

89:21 90:1 101:8 119:2 <b>secondary</b> 74:23 <b>seconds</b> 44:9 <b>secret</b> 72:22 <b>secretary</b> 9:18 20:20 31:19 32:4 32:9 43:1 45:5 51:1 76:20 93:5 93:12,16 94:23 99:7 105:17 115:20 116:22 118:15 130:7 140:20 144:8,16,21 150:5 151:18 154:10 <b>section</b> 107:4 128:6 128:6,6,15 128:17 130:21 134:9 <b>secure</b> 27:4 105:22 106:8 120:18 <b>secured</b> 53:10 <b>securing</b> 105:21 <b>security</b> 5:3 43:5 56:24,25 58:24 123:19 125:22,23 126:1,2 127:21	136:19 137:21 139:10 140:17,21 <b>see</b> 12:12 15:20 15:21 23:10 26:4 30:16 31:7 32:25 44:24 47:6 55:20,21 58:2 59:5,6 59:6 71:13 79:16 84:11 88:3,9 91:9 92:18,22 102:22 103:14 106:25 109:12 110:23 111:3,4 113:21 116:6 120:21 130:7 148:12 151:20 <b>seed</b> 83:22 <b>seeing</b> 23:18 70:4 115:12 <b>seeks</b> 10:10 <b>seen</b> 6:5 26:20 55:15 65:12 65:18,19 73:17 77:23 112:20 118:1 125:12 132:1,2 134:1,3 143:7 146:5 148:5 157:15	<b>select</b> 1:6 49:15 160:4 <b>selected</b> 75:2 <b>self</b> 62:16 <b>self-iden...</b> 153:3 <b>seminar</b> 88:5 <b>senate</b> 3:20,24 4:1 4:15,17,23 5:14 6:2 7:2,19 10:21 19:22 56:23 57:25 59:10,18 60:23 61:9 62:2,2,9 64:2 86:4 86:10 89:12 91:15,16 92:24 93:2 93:3,7,25 94:5 105:18 105:23 106:4 112:19 118:12 121:12 123:1 133:7 134:8 135:12 140:5 141:10 149:13 <b>Senator</b> 4:16 44:1 92:24 <b>send</b> 8:17,19,19 8:21 43:8 45:9,12 90:3 91:2 115:25 116:4	<b>sending</b> 145:7 <b>senior</b> 111:1 <b>seniors</b> 20:15 111:6 112:21 <b>sense</b> 61:15,17,20 117:13 <b>sent</b> 12:10 81:3 <b>sentence</b> 50:11 <b>sentiment</b> 79:18,19 <b>sentiments</b> 78:18 <b>September</b> 95:10 105:2 <b>series</b> 142:17,24 143:2 <b>serious</b> 38:22 61:17 75:22 <b>servants</b> 72:19 <b>serve</b> 73:14 105:17 109:16 <b>served</b> 9:23 40:24 48:4 49:13 105:17 147:4 <b>service</b> 72:12 101:12 <b>services</b> 91:1,8 94:11 95:2 96:7 160:22 <b>serving</b> 157:20 <b>session</b> 89:2 91:17 91:19 92:14	92:20 127:11 132:10 138:25 139:5 <b>sessions</b> 20:4 73:20 114:4 138:18 <b>set</b> 8:18 138:14 <b>sets</b> 25:4 <b>SEU</b> 88:6 <b>shadows</b> 50:7,10,10 50:17 <b>share</b> 89:17 149:6 <b>shaved</b> 8:19 12:8,11 <b>shaven</b> 8:22 15:20 <b>shaves</b> 14:21 <b>Shillady</b> 76:13 <b>shorter</b> 128:3 136:1 <b>Shorthand</b> 160:1 <b>show</b> 4:24 5:3 7:20 13:18 15:8 21:21 43:16 46:11 51:7 56:25 57:3 58:20 58:22 59:3 61:13,16 71:16 77:14 79:21,22 80:18,19 82:15,19 83:8 100:11 100:12 111:15
--	--	---	---	--



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USA\_00016530

114:13	6:10	57:5,9	143:17	118:25
115:22	<b>significant</b>	58:11,13,17	<b>slow</b>	144:10
117:4,17	17:22 19:7	60:22 61:2	118:21	<b>someplace</b>
120:2	20:16 67:12	63:17 70:9	<b>small</b>	42:21
145:11	149:18	83:16 99:21	24:8,16	<b>somewhat</b>
147:16	159:17	101:4	62:10 83:21	10:24 64:23
148:3 154:8	<b>significa...</b>	111:21	127:6	66:19 69:15
<b>showed</b>	75:8 124:5	113:11	<b>smile</b>	79:10 81:18
89:18,22	<b>signing</b>	122:12	85:21	99:17 133:1
99:24	63:2	<b>site</b>	<b>Smith</b>	<b>son</b>
100:10,15	<b>signs</b>	65:9 75:22	132:11	58:20
100:16,22	76:3	77:19 94:24	<b>Smith's</b>	<b>soon</b>
100:23	<b>similar</b>	95:3 103:8	139:2	106:20 136:3
145:3	11:18 83:11	103:9 114:6	<b>smoothing</b>	<b>sordid</b>
<b>showing</b>	86:7 128:17	<b>sites</b>	85:20	66:15
59:1 96:16	129:4	37:21,23	<b>soap</b>	<b>sorry</b>
106:6	145:22	38:17,23	73:12	31:6 51:14
<b>shown</b>	147:13	76:3 82:24	<b>social</b>	60:3,10,17
78:5 100:18	153:23	<b>sitting</b>	5:3 43:5	63:20
<b>shows</b>	<b>simple</b>	44:1 62:15	56:24,25	101:22
25:2 80:7	61:14 62:14	<b>situation</b>	58:24 91:8	109:8
86:6 91:7	63:5 89:24	27:25 29:12	125:22,23	<b>sort</b>
152:1	119:10	59:8 62:13	126:1,2	12:9 37:22
157:16	<b>simplest</b>	62:14 145:1	136:19	73:14 81:12
158:23	61:19	145:21	137:21	81:13,16
<b>shut</b>	<b>simply</b>	153:25	140:17,21	121:11
76:12 132:14	17:6 48:14	<b>situations</b>	<b>society</b>	131:5 134:4
<b>side</b>	55:15 93:21	89:17 143:2	50:8	<b>sorts</b>
3:6 29:4	98:16 111:5	<b>six</b>	<b>software</b>	73:22 81:16
80:13	111:6 142:1	48:6 70:19	3:16	<b>sought</b>
104:18	152:22	70:24 94:7	<b>solution</b>	73:8
123:22	154:1,14,16	95:10 105:3	11:17,25	<b>sound</b>
131:22,22	<b>single</b>	105:6	<b>solve</b>	119:2
134:8	100:9 107:22	111:13	23:5 48:23	<b>sounds</b>
139:22	123:21	140:3	48:23	81:18 122:5
159:1	131:25	<b>six-day</b>	106:15	<b>source</b>
<b>sides</b>	135:1,2	106:11	<b>solves</b>	67:8 90:16
30:1 132:14	<b>sir</b>	<b>six-days</b>	44:14	<b>South</b>
<b>sidewalks</b>	28:10 30:6,8	153:10	<b>solving</b>	55:22 79:11
157:17,18,19	30:25 31:6	<b>skews</b>	14:19	83:19
<b>sign</b>	32:12,13	87:12	<b>somebody</b>	<b>southwest</b>
50:19 86:7	35:7,20	<b>skim</b>	12:7 13:16	104:19
<b>signature</b>	36:9 39:24	121:25	15:10 32:1	<b>so-called</b>
129:3 139:8	41:1,8,18	<b>Skipper</b>	39:7 45:3	35:11
<b>signed</b>	42:11 50:3	2:4 19:20,24	50:14 76:20	<b>speak</b>
107:6 146:24	51:13 55:2	<b>Skype</b>	77:15 86:6	39:7 117:21
147:8 159:3	55:3 56:11	3:15 107:1	<b>someone's</b>	<b>SPEAKER</b>
<b>significance</b>	56:12,19	<b>slightly</b>	110:19	



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60:25	<b>staff</b>	67:5, 6, 21	114:17	26:14 32:24
<b>speaking</b>	123:8	69:4 71:6	149:17	<b>Steel</b>
6:5 141:21	<b>staffing</b>	71:12 72:15	151:14	157:15
149:1	147:5, 6	76:8, 11	<b>states</b>	<b>stepfather</b>
<b>special</b>	<b>stamps</b>	77:23 78:22	13:2 35:22	110:22
105:14, 14	91:3	84:25 87:25	51:8 52:14	<b>stepped</b>
<b>specially</b>	<b>stances</b>	90:12, 25	66:24 67:8	69:14
27:14	72:14	91:7 93:5	71:20 87:16	<b>stepping</b>
<b>specific</b>	<b>stand</b>	93:12 94:8	90:22	65:11 69:17
14:16 38:1, 3	3:8 68:12	94:14 95:19	112:10	<b>steps</b>
38:18, 18, 25	87:5	96:8 97:1	114:3	8:12 85:13
40:1 48:10	<b>standard</b>	98:21 101:2	116:23	143:14
75:2 80:24	6:3, 12 154:3	102:8	120:10, 13	<b>stereotyp...</b>
82:14	<b>standards</b>	103:23, 25	120:17	81:21
102:19	76:21 88:15	104:18	124:16	<b>Stevens</b>
105:18	88:23	105:13, 17	125:1 129:6	7:10, 13, 22
<b>specifically</b>	<b>standpoint</b>	108:17	129:6	8:14 16:3
12:19 50:9	104:13	109:16	152:23	<b>stop</b>
68:9 134:19	<b>stands</b>	110:3	<b>statewide</b>	21:6 22:12
135:17	91:19	111:15, 16	43:7 47:5, 14	25:1 41:3
<b>specifics</b>	<b>start</b>	111:25	47:22 95:7	53:20 66:9
106:13	60:25 61:4	116:24	95:23 106:5	<b>stories</b>
<b>spectrum</b>	<b>started</b>	120:10	122:10	34:2 36:13
123:20	19:17 37:1	124:15, 22	153:2	36:14 37:9
<b>speeding</b>	118:17	125:3 127:4	<b>State's</b>	38:1, 14, 18
113:20	135:6	127:9, 25	20:20 94:23	38:22, 25
<b>speeds</b>	<b>starting</b>	128:4, 7	144:8	81:16
113:16	113:21	130:7, 21	<b>station</b>	<b>storm</b>
<b>spend</b>	<b>state</b>	131:16	109:22	116:20
101:3 107:13	5:21 7:25	132:19	<b>statistic...</b>	<b>story</b>
145:8	8:1, 2, 3 9:4	133:2 134:9	117:17	34:5
<b>spending</b>	9:8, 10, 18	140:20	<b>statistics</b>	<b>straight</b>
113:9	9:23 10:5	143:13	97:8, 16	80:18
<b>spent</b>	10:23 13:2	144:16, 22	<b>status</b>	<b>Street</b>
35:10 101:20	13:3, 25	150:6, 9	84:1	160:12
102:7, 8	14:17 22:4	151:18	<b>statute</b>	<b>streets</b>
108:12	22:6, 18	154:10, 12	18:19, 25	130:18
112:22	31:19 32:4	155:19	40:25 42:2	<b>stretch</b>
113:6	32:10 35:10	156:4, 7	74:23 75:19	27:23 40:16
144:19	38:15 43:1	158:3, 6	82:7, 8 83:1	<b>stretches</b>
<b>spoken</b>	45:5 46:8	159:4, 7	85:16	13:9
6:21 62:11	50:21 51:6	160:2	155:23	<b>strict</b>
<b>spread</b>	52:24 60:2	<b>stated</b>	<b>stay</b>	121:18
90:1	60:6 62:1, 1	32:8 54:1	53:14 116:15	<b>strike</b>
<b>Spurs</b>	62:5 64:5	86:21	116:19, 23	10:10 17:14
152:11	64:16, 18, 23	124:14	<b>steady</b>	<b>stringent</b>
<b>St</b>	65:2, 6	<b>statement</b>	146:5	7:5 77:8
149:23	66:20 67:4	20:5 22:12	<b>steal</b>	



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78:19 82:7	155:24	<b>suggests</b>	23:2 26:3	<b>swiped</b>
120:11	<b>substanti...</b>	66:10 110:1	26:22,24	46:18
121:13,24	115:9	150:13	27:8 29:9	<b>system</b>
132:18	<b>substitute</b>	<b>suing</b>	29:21 31:17	9:24,25
135:13,16	3:24 4:1,17	110:4	33:22,23	12:23 28:7
136:8	4:18,23	<b>Suite</b>	35:2 36:6	41:7 42:5
<b>strong</b>	5:10 6:5,5	160:23	37:24 39:8	45:15,25
8:4 73:2	12:7 19:22	<b>sum</b>	40:8 44:3	46:4 48:25
115:18	42:16 56:17	155:18	45:2,2,3,8	59:4 66:2
121:9	57:8,15,16	<b>sundry</b>	45:21 63:22	78:24 79:2
<b>strongly</b>	57:25 58:1	22:20	74:18,24	79:4,6 84:2
56:22	58:8,15	<b>support</b>	77:12 98:10	84:18
<b>student</b>	59:18 60:7	16:5 34:8	98:20 99:15	101:10,13
23:17,22	60:8,21	55:6,21,24	102:3 104:7	102:10
71:18	61:9 62:2,9	56:22 57:12	104:12	114:6
<b>students</b>	64:2 71:8	57:17 58:3	108:16	137:14
23:22,23	85:23,25	106:6	112:14	138:3,11,14
80:11 90:19	86:5 89:12	138:24	113:3 114:3	141:25
<b>studies</b>	89:14 91:15	139:2	114:10	142:8,11,15
123:23 125:9	93:1,3,7	<b>supporting</b>	122:3	143:2,8,8
126:6	123:1 140:2	57:7,9,13	132:19	143:12
153:14	140:4	58:9	137:25	146:12
<b>study</b>	141:10	<b>supportive</b>	138:15	148:5,8
82:16 124:13	<b>substitutes</b>	42:6	140:25	158:4,23
124:18,18	3:21 72:5	<b>supports</b>	145:22	<b>systemic</b>
148:11	<b>successful</b>	150:14	148:18	147:23 148:6
149:4,21	16:25 17:3	<b>supposed</b>	150:7	157:16
150:3,12,12	17:24 18:1	30:14	155:17	
151:14,21	18:6 128:20	<b>suppress</b>	159:15	<b>T</b>
153:15,17	<b>suffering</b>	76:5 150:15	<b>surely</b>	<b>table</b>
154:4	152:13	150:21	38:15	131:7
<b>stuff</b>	<b>sufficient</b>	<b>suppressed</b>	<b>surprised</b>	<b>tailed</b>
27:7 31:5	13:3 110:17	74:25	83:13	144:25,25
<b>sub</b>	<b>suffrage</b>	<b>Supreme</b>	<b>survey</b>	<b>tailored</b>
147:25	73:16 119:5	6:3,16,18,21	142:9	86:19
<b>submit</b>	<b>suggest</b>	6:23,24 7:4	<b>suspect</b>	<b>take</b>
65:2 96:19	34:17 35:5	7:6,12,19	34:6	8:12,18 9:8
119:24	65:16 67:25	8:3 12:16	<b>suspended</b>	14:20 15:5
128:7 138:6	88:3 124:10	16:16 18:18	110:20	15:7 18:12
158:5	148:8	86:20 88:14	<b>suspense</b>	23:4 27:22
<b>submitted</b>	149:24	107:16	43:10,11	30:21 32:22
62:9 82:17	154:4,8,9	108:2,8	51:6	33:1 37:16
129:16	154:16	142:19,23	<b>swing</b>	43:3 46:20
160:10	158:21	156:8,10,12	7:16 154:12	63:21 74:3
<b>substantial</b>	<b>suggested</b>	156:21	<b>swipe</b>	74:19 75:1
85:16 114:15	148:24	158:7	46:1,1,10,15	77:1 83:23
143:5,7	<b>suggesting</b>	<b>sure</b>	46:22 47:2	83:24 85:13
144:17	43:22 52:1	11:14 22:25	47:18,21	87:13



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107:10	73:1	109:5 112:7	72:11 74:10	78:13,14,16
119:9	<b>Tarrant</b>	116:16	86:12 89:11	79:6,13
138:21	81:5,25	119:6	123:1	82:21 83:19
142:16	129:15	141:23	141:10	88:8 89:15
155:11,25	<b>task</b>	143:3 151:7	<b>testifying</b>	90:12,25
<b>taken</b>	54:21	<b>telling</b>	42:16 57:14	91:7 93:10
12:3,9 38:19	<b>taught</b>	37:1,10	58:7,14	93:20 107:2
72:14	90:19	150:2	60:7 61:9	111:16
143:10	<b>taw</b>	<b>tells</b>	74:13 93:6	116:1
144:1	39:7	151:8,21	123:2	122:14,16
147:21	<b>tax</b>	<b>Temple</b>	<b>testimony</b>	123:14
157:5	10:19 49:12	42:18	2:1 3:12,25	125:13,25
160:15	128:20	<b>temporary</b>	5:20,22	126:13,18
<b>takes</b>	<b>taxable</b>	91:3	19:18 44:9	127:25
28:8 32:22	48:8	<b>ten</b>	51:15 62:10	128:6,8,10
<b>talk</b>	<b>taxes</b>	3:6,8 5:23	86:10 89:6	129:15
22:23 31:19	24:21 73:11	36:21,22	93:2 107:1	132:20
32:5,20	<b>taxing</b>	64:6 70:19	110:13	134:9 136:1
40:1 44:5	48:11 49:6	93:18 96:9	117:9	136:18,18
68:8 76:9	<b>taxpayers</b>	99:8 112:21	122:15	139:12
86:18 95:6	35:14	123:5	123:10	140:15
118:23	<b>Taylor</b>	141:12	126:25	141:21
119:24	4:10 11:4	144:13	134:8 141:3	142:3
131:22	40:7,8,9	148:19	149:13	145:22
135:1	70:11,12,16	153:11	155:18	147:14
141:22	70:21,23	<b>tenor</b>	156:14	153:10
145:24	71:24 92:6	81:20	157:4	156:16
153:12	117:4	<b>tentacles</b>	<b>tests</b>	160:2,3,6
157:21	<b>tea</b>	85:11	73:11	160:12,21
<b>talked</b>	81:5	<b>ten-day</b>	<b>Texan</b>	160:23
50:6 62:12	<b>teacher</b>	155:5	64:19 89:15	<b>thank</b>
75:23	89:11,15	<b>term</b>	<b>Texans</b>	4:14 5:17,18
100:25	<b>team</b>	50:9	20:25 81:12	5:24 6:7
105:2,16	101:2 117:1	<b>terms</b>	<b>Texarkana</b>	11:2,3,12
120:6	<b>teams</b>	19:7 69:11	65:12	16:6,8
130:23	65:1,1	75:15 87:7	<b>Texas</b>	18:13 19:9
134:3,8	<b>technical</b>	<b>test</b>	1:4 19:21,25	19:10,12,14
139:1,3	5:16	7:22 88:13	20:21,23,24	21:11 24:12
153:9 157:5	<b>technology</b>	127:20	21:9 22:18	32:12,13,18
<b>talking</b>	47:14 90:10	<b>testified</b>	24:6 26:14	34:10,12
11:15 25:11	106:18	20:2 78:12	34:8 35:10	35:25 39:22
38:10 70:1	<b>tell</b>	86:16	42:18 43:4	39:24 40:3
108:12	11:23 21:4	<b>testify</b>	43:15 49:17	40:4,5,17
115:6	32:23 55:22	3:5,11,19	51:19 55:22	42:10,11,12
123:23	93:21 106:3	6:1 19:22	56:21,23	42:13,16
128:25	106:9 107:3	56:17 57:11	59:21 64:18	44:17,21
130:6 156:1	108:11	59:17,25	66:15,17	49:22 50:1
<b>tapes</b>		62:2,8 64:1	73:17 77:7	51:11,16



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55:2,7 56:2	67:3 69:3	39:7 40:9	148:10	<b>time</b>
56:4,6,7,12	70:16 71:2	40:16 49:23	150:13	3:5,13 7:3
56:17,19	73:6 77:10	52:18,20,22	152:18	7:11,11
58:16 59:11	83:2 84:10	55:16 57:23	154:13,19	10:25 12:9
59:12,15	86:9 100:21	61:17,18	155:7 157:6	15:6,10
60:8,12,18	120:6	62:17 63:22	158:14,23	19:12 21:3
60:24 61:11	125:13	66:10 68:5	159:3,14	21:16 24:17
61:22,24	127:20	68:9 69:3	<b>thinks</b>	25:7 34:14
63:9,10,12	132:21	69:11,13,16	23:14	35:16 42:20
63:13 64:4	134:2	69:16 70:5	<b>Thomas</b>	49:13 51:3
64:10,11,12	140:18	70:25 71:6	2:13 141:8	55:15 60:25
70:8,9 72:8	157:17	71:8,17,18	<b>thought</b>	61:1,4
72:10,11	159:8	71:20,21,22	18:23 24:13	63:19 67:13
73:3,4	<b>things</b>	72:3,4,6	37:1 96:23	68:10 70:10
74:16 82:5	3:19 7:17	73:6,20	112:8	70:17 75:24
85:17,19	36:8 37:22	75:1,12,13	117:21	80:8 82:4
88:23 89:5	37:22 39:1	75:17,18	120:6,7	84:6 90:8
89:7,8	39:12 44:6	76:4 77:9	138:24	90:22 91:11
91:11,12,13	48:22 50:4	77:17,17,22	<b>thoughts</b>	91:12,14
91:20 93:9	51:3 53:11	78:5,9,25	98:11	92:14,22
108:20,24	55:17 61:19	79:5,6,7	<b>thousand</b>	99:18 101:7
116:9	70:1,2,3	80:3,3,15	85:3 96:7	102:20
122:11,18	72:21 73:2	80:21 81:6	<b>threatened</b>	105:5
122:19,23	73:7,14	81:7,12,15	72:24	108:17
123:2,3,9	75:18 76:10	81:23 83:5	<b>three</b>	113:20
129:25	76:23 81:10	84:14,15	3:12,15,17	116:11
130:3	81:13 82:15	85:18 87:8	20:4 23:2,3	122:14
139:23	82:17,19	87:21 88:1	25:2,3,4,14	126:13
141:2,4,6,7	84:9 96:12	102:4,22	26:9,11	128:24
141:13	101:2,20	103:5,6,11	37:12 42:22	133:6,7,12
148:20,23	111:13	105:5,7,21	52:22 89:10	144:14
152:5 153:5	112:10	106:14,17	89:12 92:21	145:2
155:12,14	130:19	112:18	96:18 98:18	148:12
156:23,24	135:10	115:16,22	106:14	150:16,19
159:20	154:5	115:23	141:25	154:14
<b>theft</b>	159:18	116:10	142:10	155:11
90:12,14	<b>think</b>	117:19	150:20	157:21
126:12	6:9 11:21	118:4,22	156:11	<b>timeframe</b>
<b>theme</b>	12:15,16	119:7,9,10	<b>threw</b>	119:9
87:22	13:21 15:11	120:11,18	136:13	<b>times</b>
<b>Then-Secr...</b>	15:19,23	120:19,21	<b>throws</b>	12:12 15:17
95:19	22:11 24:15	121:8,19	87:12	23:3 25:2
<b>thing</b>	26:7,16	122:15,16	<b>tightened</b>	25:14 37:12
7:1 28:1	27:23,25	130:11,11	5:11	49:18 59:9
30:9 36:4	28:21,24,25	130:12,22	<b>Tijerina</b>	76:15 111:5
36:14 37:8	32:8 34:6	131:12	134:8	132:3
44:16 52:17	35:21,23	132:13	<b>till</b>	135:11
55:23 62:21	37:17 38:5	133:10	43:16	<b>timid</b>
		136:8,11		



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81:9	<b>tough</b>	111:14	<b>Tucker</b>	114:4 122:9
<b>tings</b>	83:5 105:23	<b>tried</b>	118:18 119:7	129:2
118:16	<b>tougher</b>	26:25 50:5	<b>Tuesday</b>	142:14,16
<b>today</b>	112:11	83:17 122:7	146:22	142:19
3:3,3 6:11	120:13	124:1	<b>turn</b>	143:11
30:17 38:10	<b>Town</b>	<b>triple</b>	78:23 100:15	145:19
59:15 62:8	157:15	132:23	100:23	146:13
70:10 72:24	<b>tracked</b>	<b>trouble</b>	133:11	149:10
74:5 81:11	126:6,7	137:15 151:4	144:14	153:11
85:20 86:16	<b>traffic</b>	<b>Troy</b>	<b>turned</b>	154:5
88:24 89:6	11:5 17:17	72:15	87:2 94:21	<b>two-day</b>
92:18 93:11	<b>trained</b>	<b>truck</b>	144:10	106:10,12
105:1 107:2	27:15	40:13	<b>turnout</b>	155:5
113:4	<b>training</b>	<b>true</b>	86:17 87:16	<b>type</b>
116:21	31:7 75:17	18:17 20:7	87:23,25	13:12,14
122:15	75:17	26:21 27:12	88:2,11	20:7 53:10
138:20	101:11,15	33:15 46:12	97:6,8	94:2 101:19
141:3	101:16	74:1 80:19	115:5,16,19	114:6
158:17	102:12	120:22	121:8,9	123:21
<b>today's</b>	108:13	151:25	124:1	129:18
106:18	114:1,2,5,6	159:19	125:10	132:1 136:7
108:18	129:9	<b>truly</b>	143:7	157:7,8
<b>Todd</b>	<b>transaction</b>	76:18,25	145:23	<b>types</b>
139:2	62:24	<b>try</b>	146:3,4,8	27:4 71:20
<b>told</b>	<b>transcribed</b>	27:9 29:11	146:11	71:25 81:5
23:1 90:4	1:21 160:5,8	39:10 72:21	148:9,25	81:10,13
129:17	<b>transcript</b>	76:18,21	149:8,14,17	129:14,19
134:22	159:22	93:20	149:19,21	131:23
<b>Tom</b>	160:10	120:19	152:3,16	159:10
141:14	<b>transport...</b>	131:11	158:23,24	<b>typical</b>
<b>top</b>	69:6 83:4,23	<b>trying</b>	159:3,16	150:21
15:2 45:1	84:2,24,25	22:2 28:22	<b>TV</b>	
112:9	85:6 126:8	49:1 50:7	104:16,17	<b>U</b>
121:25	<b>travel</b>	62:22 73:9	109:22	<b>Uh-huh</b>
<b>total</b>	83:3	73:19 74:10	<b>twelve</b>	22:16 24:8
96:8 98:23	<b>traveling</b>	81:21 99:25	139:13,17	36:23 53:25
99:2,5,6	155:13	104:11	<b>twice</b>	61:12 134:7
101:17,23	<b>Travis</b>	112:10	15:8 39:6	<b>ultimately</b>
102:25	62:15	114:22,23	74:11 89:25	44:25
104:2 105:6	<b>tremendous</b>	118:24	<b>two</b>	<b>unable</b>
115:17	109:2 145:23	120:17	3:16 8:24	83:3 143:25
153:22	<b>trend</b>	128:25	39:5,6	144:2
<b>totally</b>	146:6	130:6 131:4	40:24 68:13	<b>unaware</b>
58:23	<b>trends</b>	131:6	70:19,24	126:17
<b>totals</b>	124:9	135:10,11	77:24 79:24	<b>unbalances</b>
115:23	<b>tribal</b>	139:6	89:17,18,20	123:19
<b>touched</b>	71:7 94:15	148:17	98:24 99:4	<b>unbiased</b>
157:3		158:11	106:5 107:6	37:16



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unconstit...	13:2 35:22	94:12,14	24:2,4,7,9	123:19
10:11,19	51:8 52:14	108:8	36:1,2,3,4	127:21
17:13 18:20	67:8 125:1	111:19,20	36:7,10,18	<b>veterans</b>
19:6	<b>universe</b>		36:22,24	140:17
<b>undermine</b>	37:15,17,18	<b>v</b>	37:4,8,15	<b>vets</b>
66:13 80:4	<b>University</b>	<b>v</b>	37:21,25	5:4
<b>underscore</b>	149:5	6:19,24	38:13 39:20	<b>Vice</b>
16:13	<b>UNKNOWN</b>	<b>Valdez</b>	39:21,25	3:18 18:15
<b>understand</b>	60:25	54:2	40:3 50:2,3	21:13,14,17
11:14 14:11	<b>unprovable</b>	<b>valid</b>	50:4,16	21:24 22:11
22:1 28:13	40:15	8:1,3 9:10	72:9,10	22:16,19,21
30:16 39:3	<b>unregistered</b>	9:15,19,22	73:5,25	23:9,12,17
45:11,21,23	142:22	10:17 12:20	76:9 77:6	23:21,24
47:20 48:1	<b>unsuccessful</b>	20:23,24	78:11 79:11	24:2,4,7,9
48:2 49:2	19:4	71:3,6 91:5	80:23 89:4	36:1,2,4,7
50:14,19	<b>updates</b>	94:8,11,11	92:2 117:5	36:10,18,22
53:9,14,18	101:12	94:14,15	117:7	36:24 37:4
58:4,10,23	<b>upheld</b>	111:14,20	118:14,16	37:8,15,21
59:1,21	6:25 7:6	124:21	119:16	37:25 38:13
65:22 68:3	88:15	135:25	120:5,23	39:19,21
78:17 99:16	<b>uphold</b>	156:10	121:10,21	40:3 50:4
100:1	14:14	<b>validating</b>	122:5,11	50:16 117:5
118:25	<b>upholding</b>	9:15	130:4,5,16	117:7
119:4	7:14 86:20	<b>validity</b>	130:22	118:14,16
130:25	<b>upshot</b>	7:7 10:9	131:15	119:16
131:1	74:2	61:20	133:5,10,24	120:5,23
144:25	<b>use</b>	<b>validly-cast</b>	135:7	121:10,21
145:5,6,9	3:3 27:3	10:1	148:11	122:5,11
145:12	31:20 57:3	<b>valuable</b>	156:25	130:3,5,16
148:17,20	90:3,23	115:22	157:2,12	130:22
159:15	110:24	<b>value</b>	158:10,19	131:15
160:9	126:8	146:12	<b>Vera</b>	133:5,10,24
<b>understan...</b>	<b>useful</b>	<b>variations</b>	2:10 89:11	135:7 157:2
61:15	152:25	20:3	89:13,13	157:12
<b>understan...</b>	<b>users</b>	<b>various</b>	<b>verified</b>	158:10,19
25:18 26:18	95:4	22:20 43:20	144:3	<b>victimimized</b>
84:6 92:23	<b>usually</b>	48:11 49:6	<b>verify</b>	75:16
<b>undoubtedly</b>	92:20	72:5 79:18	51:3 54:21	<b>victims</b>
38:19	<b>utilities</b>	<b>vast</b>	102:6 138:7	126:11,13
<b>undue</b>	54:5	38:6 147:1	138:7	<b>video</b>
127:17,19	<b>utility</b>	<b>Veasey</b>	<b>version</b>	3:16 95:16
<b>unfortuna...</b>	27:6 43:17	3:18 4:6	135:11 139:6	<b>view</b>
116:20	95:12 102:4	18:15 20:11	143:17	40:17 65:23
132:15	<b>U.S</b>	21:13,14,17	<b>versus</b>	65:24 69:18
133:3	54:9 59:20	21:24 22:11	72:1 98:23	<b>vigilant</b>
<b>unimportant</b>	71:4 86:20	22:16,19,21	107:18	98:19
99:17	88:13 94:11	23:9,12,17	108:1,2	<b>Vilsadian</b>
<b>United</b>		23:21,24	110:8	124:14



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<b>violate</b>	70:1 72:17	30:23 37:11	65:25 67:10	146:2,3,8
108:5	73:9 74:21	37:12 76:2	67:15 68:12	146:11
<b>violates</b>	74:25 76:5	77:15 84:19	69:21 71:16	147:11,14
17:18	76:6,6 77:1	88:7 97:19	78:1 79:20	147:23,24
<b>violation</b>	77:13 78:6	99:1 150:16	81:6 83:11	148:6,8,24
17:18 54:8	78:17,20,22	153:3	86:16,23	149:8,13,15
<b>violations</b>	79:9 80:3,5	<b>voter</b>	88:2,11	149:18
127:14,15	85:10 86:8	1:6,7 6:25	89:18,19,22	152:2
<b>virtually</b>	87:2,5,7,9	7:3,5,6,8,9	89:24 90:1	153:20
62:24	88:9 89:25	7:18 8:2,4	90:2,4,4	154:6,7
<b>visit</b>	90:6,7,17	9:2,22	91:22,22	155:18
58:20	94:20 97:13	10:22,23	94:9,16,18	156:1,6,15
<b>voice</b>	97:14 98:14	11:22 12:2	94:21,25	156:15
85:20	98:17 99:5	12:3,8,18	95:1,20	157:5,6,7
<b>voiced</b>	99:5,24	12:21,22,25	96:11,16	157:16
117:15	100:6,10,13	13:17,23	97:8,17	158:13
<b>Volume</b>	100:15,16	14:15,20	98:15	159:3,16,16
1:10 159:22	100:18	16:5 20:6,7	101:14	159:17
<b>volunteer</b>	103:19	20:8,10	105:18	160:4,5
40:23 48:21	106:6	21:6,7,21	109:2,2,18	<b>voters</b>
<b>volunteered</b>	107:21,23	21:25 22:8	118:3,17	4:24 5:2,2,3
89:15	108:14	22:9,10,13	123:11,17	8:16 9:25
<b>volunteers</b>	109:7 110:4	22:14,17	123:25	14:11,11
39:5 48:21	110:16,24	25:3,15,17	124:2,11	17:23 18:24
<b>vote</b>	115:17,22	26:11,15	125:14,15	20:21 21:2
5:1 7:16,21	119:23,23	32:24 34:18	125:18	23:6 43:22
7:24 8:18	120:3 121:7	34:23 35:8	126:3	44:10 65:11
9:12,14	124:15	36:19 37:1	127:12	70:1 73:9
10:1,4,16	129:17	37:6 38:4,4	129:8,16	73:10,19,24
10:21 20:9	131:15	38:9,11,11	130:24	74:5,19,20
21:22 23:2	133:22	38:14,18	131:6 132:1	74:20,22
23:6 26:17	135:2,2,3	39:8 41:3,5	132:4,8,22	75:8,14,25
30:14 31:3	135:23	41:6,12,12	132:25	76:4 80:14
32:23 33:6	136:15,18	41:17,20	133:5,8	80:14 81:4
33:7,7,8,11	136:22	42:3,22,24	134:16,17	86:24 87:2
33:12,22	137:3,4,22	43:7,11,18	135:20,23	88:17 94:6
43:3,15,19	137:25	44:11,13,15	135:23	94:24 95:1
46:10,17	140:8,23	44:23 45:1	136:5,6,22	95:8 97:7,9
48:15,17	142:4,11	45:15 46:5	137:1,6,8,9	97:18,19,22
50:11 51:19	144:5	46:11 48:24	137:9,11,20	97:23 98:20
52:16 53:4	146:18,19	50:20 52:16	138:7,8,19	98:25
54:9 56:24	146:22,23	52:19,21	139:8,9,19	103:23
58:6 59:3,4	146:25	53:7,15	139:21	104:1
59:7,9,9,11	147:15	54:2 55:6	141:25	113:17
61:17 63:6	151:19,20	55:11 59:9	142:7,17,20	114:21
66:6,8,9,11	153:4	61:21 62:14	142:21,21	122:17
66:14,16	155:11	62:20,25	143:7,7,9	124:4,5,7,9
68:14 69:2	<b>voted</b>	65:18,19,21	143:25	124:17
			145:13,23	



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125:25 126:1,7,17 129:17,24 133:15 134:12,21 134:25 137:2,3 138:12 139:13,18 142:6,9,10 142:11,22 143:6 146:15 148:5 149:16,20 150:15,21 150:22 151:7,8 152:2 153:18 <b>voter's</b> 5:1 9:14,16 89:21,23 94:10 96:15 135:19,19 143:20,21 <b>votes</b> 8:21,22 33:1 33:9 69:21 86:25 88:18 96:24,25 97:11,21 98:2,23 99:2,4,11 99:13 117:24 143:1 154:13 157:17,17 157:22 158:3,12 <b>voting</b> 6:17,20 7:20 8:8 13:12 13:14 14:4 15:17 17:17 20:9,19,22 21:1 23:19	29:16 51:10 52:1,3,11 53:24 54:2 54:4,11 55:10,16 64:25 65:8 65:16,17 66:3,10 73:6,7,18 73:24 75:13 75:22 76:3 78:3,13,14 78:15,24,25 81:15 88:21 89:16 90:11 90:14 91:11 94:25 95:21 97:2 104:3 109:11,11 109:17,24 110:12 113:20 114:14 117:22 120:20,22 125:4,5,6 127:18 128:5 137:23 139:13,18 142:4 146:23 147:6 150:10 151:10,11 152:2,23 153:22 158:12,14 159:11  <hr/> <b>W</b> <hr/> <b>W</b> 147:24 148:3 148:4 <b>wait</b> 43:16 <b>waiting</b> 40:22	<b>walk</b> 6:12 7:1 77:19 <b>walking</b> 13:16 30:5 <b>Wallace</b> 19:20,23,25 21:11,16,23 22:7,15,17 22:20,22 23:11,13,18 23:23,25 24:3,6,8,15 24:23 25:5 25:11,17,20 25:22 26:2 26:4,9,13 26:17,20,24 27:2,6,12 27:16,20,25 28:5,9,10 28:21,22 29:6,11,18 29:21,23 30:1,3,6,8 30:10,13,19 30:25 31:13 32:25 33:4 33:14,17,20 33:23 34:1 34:16,16,17 34:20,23 35:2,7,12 35:19,23 36:2,3,6,9 36:17,21,23 36:25 37:5 37:14,20,24 38:9 39:3 39:24 40:6 40:9,16,20 40:23 41:1 41:5,8,10 41:14,18,22 41:25 42:4 42:6,11,13 <b>WALLCE</b> 2:4	<b>Waller</b> 69:19 80:25 <b>Wal-Mart</b> 57:3 58:25 <b>want</b> 7:1 11:14 16:13 28:12 30:10,13 33:4,8 35:24 47:4 47:13,13,21 48:15 49:22 49:22 50:11 51:4 54:23 55:8,8 63:20 64:12 65:15 66:5 66:7,7 67:24 68:8 72:11 77:7 79:2,3 80:23 86:6 88:12 95:6 99:15 108:25 110:15 116:5,12 120:10,10 121:16 122:1,17 130:7,10,12 130:16,17 131:16,18 132:8 133:11,21 133:21,25 136:14 137:25 141:22 144:1,14 145:10,11 146:17 150:1 153:2 155:17 159:14 <b>wanted</b> 8:16,16 73:5 79:1 85:21	86:17 93:13 96:3,23 97:16 127:9 129:7 140:1 140:18 153:8 157:3 <b>wanting</b> 106:20,21 <b>wants</b> 32:4 130:12 <b>ward</b> 2:3 5:19,23 5:24,25 6:4 6:6,8 8:15 10:25 11:2 11:10,21 12:14 13:5 13:10,16 14:2,5,8,12 14:23,25 15:4,15,19 15:23 16:2 16:7,18,22 17:2,8,10 17:25 18:7 18:9,21 19:2,11,12 19:14 <b>warranty</b> 101:13 <b>Washington</b> 73:13 <b>wasn't</b> 56:1 100:9 117:12 127:18 156:1 <b>watch</b> 25:25 51:22 <b>watcher</b> 89:16 <b>watchers</b> 81:7 <b>watching</b> 92:14 <b>Watson</b> 104:23 <b>way</b>
--	---	--	---	---



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3:17 6:14 9:15 11:24 15:4 20:10 20:12 22:7 22:8 23:19 28:12 29:9 33:5 35:1 39:14 66:1 66:8 67:23 68:3 70:4 76:6 81:22 81:24 84:5 89:10 90:15 109:4 112:8 119:8 129:4 131:2,15 134:10 137:23 138:13 <b>ways</b> 22:20 67:16 79:6 110:16 119:16,19 119:20,22 120:1 125:10 131:24 132:7,22 133:2 145:9 <b>web</b> 37:18,21,23 38:17 94:23 95:2 103:8 103:9 114:6 <b>Wednesday</b> 146:22 <b>weeds</b> 15:24 <b>week</b> 135:24 <b>weekend</b> 127:7 <b>weeks</b> 42:22,23 <b>weigh</b> 7:24 <b>weighed</b> 10:4	<b>weight</b> 7:13 <b>welcome</b> 3:2 11:5 88:25 93:7 108:21 <b>went</b> 25:14 48:4 72:14 83:6 87:11 90:19 125:3 139:5 145:2 151:22 152:23 <b>weren't</b> 25:10 77:16 82:4 138:25 <b>west</b> 49:14 52:25 160:11 <b>we'll</b> 3:2,20 32:11 61:1 89:10 117:7 121:4 121:4 122:21 128:7 <b>we're</b> 14:3 35:17 38:10 40:21 40:21,22 44:25 62:22 64:20 66:8 68:11 70:4 76:5,19,23 76:24 77:2 80:1 84:21 84:21,21,25 85:2 89:1,9 92:14,20,21 103:7,10 107:1,14 109:21 110:4 113:11,21 115:6 118:12 125:17,19	125:20 128:25 131:6 135:5 135:10 140:19 145:6 148:17,18 152:12 158:11,16 159:4,14 <b>we've</b> 20:15 24:16 26:24 28:15 64:22 65:11 65:18,19 67:20 71:17 76:17 79:14 79:14 84:10 103:7,11,24 105:4,7 109:18,19 113:12,21 114:5 116:11 117:21,23 121:2 125:11 131:20 132:1,15 139:6 145:19 153:9 154:7 159:12 <b>Wharton</b> 65:13 <b>whatever-...</b> 150:4 <b>wheel</b> 62:22 <b>Wheeler</b> 2:13 141:8 141:11,13 141:14 148:14,20 149:3 150:7 150:11 151:2,13,25 152:8,12,17	152:24 153:13 154:22 155:3,6,10 155:14,21 156:3,8,18 156:21,24 157:10,13 158:18,20 159:19 <b>whens</b> 34:3 <b>whiskers</b> 8:17,18 12:8 15:13 <b>white</b> 76:14 88:9 97:9,14 124:22 125:5 144:18 <b>whites</b> 88:7 <b>wholistic</b> 70:4 <b>wholistic...</b> 129:21 <b>wide</b> 75:4 106:5 <b>widespread</b> 14:16 38:24 155:20 157:25,25 <b>wife</b> 56:20 59:6 116:21 150:25 <b>William</b> 2:6 56:8,21 <b>Williams</b> 44:1 <b>Wilson</b> 160:6,11 <b>win</b> 122:1 133:25 <b>Wisconsin</b> 124:18 <b>wish</b>	116:17 <b>wishing</b> 3:5,11 <b>withdraw</b> 91:15 <b>withstood</b> 107:15 <b>witness</b> 2:1 3:19 16:11 28:17 32:15 63:15 84:11 89:9 89:9 122:24 <b>witnessed</b> 22:24 89:17 110:12 <b>witnesses</b> 3:6,14,15,18 5:20 11:9 19:16,18 40:19 63:20 74:15 91:18 93:4,17 <b>won</b> 107:9 109:20 122:10 143:4 154:13 <b>wonderful</b> 152:20 <b>wondering</b> 27:17 <b>word</b> 157:6 <b>wording</b> 57:23 <b>words</b> 74:8 77:12 83:1 <b>work</b> 23:7 50:8 62:7 65:2,3 68:19 71:11 76:20 80:7 89:15 111:17 112:4 121:2 131:21
---	---	--	---	---



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139:11 150:22 <b>workable</b> 133:9 <b>worked</b> 72:20, 20, 22 73:21 80:8 129:5 133:1 144:8 <b>worker</b> 134:22 <b>working</b> 38:12 66:18 132:11 150:15 <b>worried</b> 24:20 28:16 <b>worry</b> 52:23, 23 133:14 <b>worse</b> 142:6 <b>worth</b> 35:20 65:12 <b>wouldn't</b> 14:20 15:16 25:25 31:2 49:12 98:14 114:17 132:4 158:20 159:11 <b>wrapping</b> 114:8 159:14 <b>write</b> 119:12 <b>writing</b> 104:12 <b>wrong</b> 48:22 75:6, 6 129:18 <b>wrongfully</b> 80:12 <b>wrote</b> 7:14 118:18 <b>WSB</b> 109:21	<b>Y</b> <b>yeah</b> 15:21 18:9 21:17 23:24 24:9, 19 29:23 30:3 32:3, 11 33:23, 23 34:3 46:23 54:7 61:1 63:22 80:23 115:15 133:17 140:25 151:4, 22 <b>year</b> 50:23 72:25 90:9 96:5 96:10 114:4 121:3 122:9 130:14 146:1, 24 147:8 <b>years</b> 6:20 9:1 19:1 20:2 20:25 30:20 36:17, 18, 21 36:22 39:6 39:6 42:7 43:1 48:4 62:1 69:20 70:3 76:10 77:24 79:14 79:25 82:15 83:12 84:10 84:10 105:13 106:5 109:20 112:13, 21 130:19 141:15 146:5 147:5 150:16 159:2 <b>yesteryear</b> 70:2 81:1	<b>Yetter</b> 6:1 <b>yield</b> 131:6 <b>York</b> 8:15 76:15 <b>young</b> 80:11 <b>you-all</b> 93:21 <b>y'all</b> 72:14 73:2 92:18 101:1 102:1 105:8 106:9, 10 112:12 119:2, 3 <b>Z</b> <b>zip</b> 28:1 <b>zombies</b> 14:13 <b>\$</b> <b>\$1.4</b> 35:11 <b>\$1.6</b> 101:24 108:13 144:19 <b>\$15,000</b> 101:17 <b>\$170,000</b> 101:16 <b>\$2</b> 35:14 <b>\$2,000</b> 50:23 <b>\$2.1</b> 144:23 <b>\$30</b> 128:22 <b>\$550,000</b> 144:24 <b>\$589,000</b> 101:9 113:25	<b>\$70,000</b> 113:24 <b>\$773,000</b> 101:17 102:8 <b>\$842,000</b> 101:25 113:6 <b>0</b> <b>037</b> 153:22 <b>04</b> 114:12 151:19 <b>06</b> 115:23 116:7 116:7 151:19 <b>08</b> 114:13, 20 126:19 141:18 <b>1</b> <b>1</b> 1:8 88:6, 7, 8 121:25 147:7 160:5 <b>1st</b> 4:25 140:16 <b>1,039</b> 153:21 <b>1,200</b> 95:16 97:21 97:22 99:22 99:23 154:24 <b>1.2</b> 97:13 <b>1.6</b> 112:22 <b>10</b> 70:3 88:7 103:24 104:2 115:23 116:7 124:16 125:6	141:19 152:18 153:3 <b>10,000</b> 101:13 <b>100</b> 9:1 48:5 87:21 160:23 <b>100-year-old</b> 16:4 <b>101</b> 48:6 <b>108</b> 98:6 99:18 100:22 <b>11</b> 1:22 88:7 125:1 <b>11th</b> 107:16, 19 <b>11343</b> 90:22 <b>12</b> 142:3 160:11 <b>12th</b> 160:18 <b>12,000</b> 96:5 <b>12/31/13</b> 160:22 <b>123</b> 2:12 <b>13</b> 20:21 <b>13,000</b> 83:22 <b>13.7</b> 155:3 <b>137</b> 153:24 154:17 <b>14</b> 3:20, 25 4:1 4:15, 17, 23 6:2 7:2, 19 10:22 19:22
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20:23 42:16 56:17,23 59:10,18 60:23 61:9 62:3,9 64:2 89:12 91:15 91:16 92:24 93:3,7 123:1 141:10 <b>14th</b> 14:13 127:17 127:19 160:12 <b>14,630,000</b> 96:25 <b>140</b> 97:12 <b>141</b> 2:13 <b>144</b> 127:1 <b>15</b> 44:9 48:4 <b>161,000</b> 126:18 <b>170</b> 114:2 <b>18</b> 20:25 25:7 <b>18,000</b> 97:11 <b>18.7</b> 20:22 <b>180</b> 50:21 <b>189</b> 98:3 <b>19</b> 2:4 69:18 142:6 <b>19th</b> 8:15 <b>1919</b> 76:11,13 <b>1950s</b> 76:13	<b>1974</b> 66:17,20 <b>1993</b> 42:19 <hr/> <b>2</b> <hr/> <b>2</b> 99:11 126:17 128:6,15 149:14 153:3,4 <b>2nd</b> 97:25 98:4 99:3,10 <b>2,200</b> 96:4 <b>2,500</b> 96:6 <b>2,700</b> 96:6 <b>2.1</b> 98:2 99:6 125:24 <b>2.3</b> 97:14 <b>2.5</b> 97:15 98:6 99:11 <b>2.8</b> 153:18,20 <b>20</b> 20:2 36:17 36:18 52:24 70:3 <b>2000</b> 160:23 <b>2002</b> 145:25 146:7 149:10,14 152:18 <b>2004</b> 88:3 97:9,11 97:13,14 142:17 143:14 145:19 <b>2006</b>	93:25 94:5 96:4 101:9 102:24 125:21 140:23 141:18 144:20 145:19,25 146:1,4,8 148:25 149:3,10,15 150:18 <b>2007</b> 95:10 96:4 97:1 103:6 105:2 107:17 <b>2008</b> 6:23 87:17 87:23 95:10 96:4,10 97:5,9,12 97:13,15 98:24 99:21 101:15 114:2 115:10,12 144:24 145:21,21 145:25 147:18 150:16 153:17 154:12 <b>2009</b> 6:18 58:21 96:6 105:2 107:19 110:3 149:13 <b>2010</b> 20:21 87:3 89:16 96:6 98:4,8 99:10 100:22 101:15 102:23,24	103:6 108:3 114:2,20 115:4,17 116:8 120:7 120:9 121:7 125:21 145:19 146:5,9 148:25 151:19 <b>2011</b> 1:8,22 83:13 90:9 160:5 <b>2012</b> 4:25 112:19 140:16 160:11,18 <b>209</b> 160:11 <b>21</b> 25:10 125:1 <b>216,000</b> 99:5 <b>25</b> 125:3 <b>25,000</b> 96:8 103:12 <b>253</b> 84:24 <b>254</b> 142:3 <b>26</b> 154:25 <b>265</b> 98:8 <b>265,000</b> 99:13 <b>271</b> 98:1,2 154:25 <b>272</b> 98:7 <b>29</b> 98:9 <b>294,000</b> 125:21	<hr/> <b>3</b> <hr/> <b>3</b> 121:25 <b>3,500</b> 48:7 <b>3.6</b> 98:25 <b>30</b> 42:25 62:1 106:19 155:1 <b>30th</b> 98:7 99:12 <b>30,000</b> 154:13 <b>30-year</b> 62:5 <b>308</b> 97:23 99:18 99:23 100:1 100:5 154:24 <b>328-5557</b> 160:24 <b>34,506</b> 125:23 <b>35</b> 88:8 96:25 98:8,9 105:7 <b>350,000</b> 99:1 <b>36,000</b> 142:12 <b>381</b> 98:5,6 <hr/> <b>4</b> <hr/> <b>4</b> 20:24 97:21 99:2 146:3 152:18 153:3,4 <b>4th</b> 97:20 <b>4,200</b> 96:4
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MARCH 1, 2012

209

<b>4.3</b> 142:9 <b>40</b> 124:19 130:14,19 <b>400</b> 95:24 <b>400,000</b> 20:24 <b>41</b> 50:6 <b>42</b> 2:5 97:14 <b>43</b> 50:5 124:20 <b>43,000</b> 97:12 <b>45</b> 150:16 <b>46</b> 146:7 <hr/> <b>5</b> <b>5</b> 2:3 103:25 104:8 128:6 128:6,17 130:21 134:9 146:3 146:6 <b>50</b> 5:4 68:22 69:8 140:17 146:7 <b>50/50</b> 105:24 <b>51</b> 96:9 <b>512</b> 160:24 <b>55</b> 146:9 <b>56</b> 2:6 83:20 <b>57,000</b> 95:15 <b>59</b>	2:7 <hr/> <b>6</b> <b>6</b> 98:9 152:18 153:3 <b>6:00</b> 144:9 <b>60</b> 5:6,7,8,9 140:6,8 <b>60,000</b> 95:16 103:13 <b>62</b> 2:8 <b>633</b> 95:14 <b>6352</b> 160:21 <b>64</b> 2:9 <b>65</b> 56:24 <b>690,000</b> 126:1 136:14 136:22 137:19 140:19 <hr/> <b>7</b> <b>7</b> 88:8 <b>7:00</b> 144:10 <b>70</b> 4:25 95:17 112:13,17 112:21 140:16 <b>739</b> 126:25 <b>75</b> 69:8 <b>770</b> 102:7 <b>773</b> 102:10	<b>78701</b> 160:6,12,23 <hr/> <b>8</b> <b>8</b> 97:15 125:5 152:18 153:3 <b>80,000</b> 103:13 <b>81</b> 99:13 <b>82</b> 98:2 155:1 <b>82nd</b> 1:5 160:4 <b>83,000</b> 95:15 <b>834,000</b> 97:13 <b>84</b> 94:5 <b>842</b> 102:13 <b>842,000</b> 101:20 102:19 <b>85</b> 34:7 124:22 <b>873</b> 97:23 <b>89</b> 2:10 <hr/> <b>9</b> <b>90</b> 23:6 83:19 99:4 117:24 <b>902</b> 154:6 <b>91.2</b> 98:25 <b>92</b> 142:6 146:25 <b>93</b> 2:11 <b>93.4</b>	99:11	
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TEXAS HOUSE OF REPRESENTATIVES  
82ND LEGISLATURE  
SELECT COMMITTEE ON VOTER IDENTIFICATION  
AND VOTER FRAUD HEARING  
MARCH 1, 2011  
  
VOLUME II OF II

Transcribed by Rhonda Howard, CSR  
April 11, 2011



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1	EXAMINATION OF WITNESS:	
2	Examination of Virginia Townsend	163
	Examination of Fern McLaugherty	166
3	Examination of Bee Whitlock	171
	Examination of Elizabeth Barns	171
4	Examination of Mark Williamson	172
	Examination of Anita Previtter	176
5	Examination of Kenneth Buelter	179
	Examination of Alan Vera	181
6	Examination of Sumit DasGupta	184
	Examination of Jessica Gomez	186
7	Examination of Andrew Joseph	193
	Examination of Diana Gorman	194
8	Examination of Verona Thornton	197
	Examination of Tonja Michelle Goby Smith	198
9	Examination of John O'Brien	200
	Examination of Russ Duerstine	210
10	Examination of Toby Moore	215
	Examination of Tova Wang	228
11	Examination of Sonia Santana	251
	Examination of Mary Ann Collins	253
12	Examination of Rebecca Bradford	256
	Examination of Carol Kitson	259
13	Examination of Ramey Ko	267
	Examination of John Woods	273
14	Examination of Ann McGeehan	277
	Examination of Rebecca Davio	316
15	Examination of David Maxwell	323
	Examination of Justin Levitt	340
16		
17	REPORTER'S CERTIFICATION PAGE	366
18		
19		
20		
21		
22		
23		
24		
25		



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(Continued from Volume 1)

CHAIRMAN BONNEN: Members, we're going to move to some public testimony, which is limited to three minutes per witness. We have, I believe, if I'm counting correctly, three expert witnesses left. We're going to have them by Skype, which is something I'm unfamiliar with, but we have a computer expert who will help us do that. And when -- when he arrives, which he is not late at all, but when he arrives we'll go back to those expert witnesses who, again, have ten minutes.

So let me call Virginia Townsend, court -- representing myself [sic] as a private individual court watcher is here to testify for Committee Substitute Senate Bill 14.

Mrs. Townsend, if you would state who you're with and -- for the record.

VIRGINIA TOWNSEND: Good afternoon. Virginia Townsend. I'm with the OWLS, which is Objective Watchers of the Legal System. I'm from Hidalgo County. We were here two years ago to testify. There were hard-working people from Progresso that drove all night to get here. So they thought they would get a chance to testify, because they live with this every day. They live on a --



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1 right next to Progresso Bridge, so they have people  
2 come over from Mexico all the time. Now, the people  
3 who live there all the time know who lives in the  
4 town and who does not. And so they watch the voting  
5 process. And a lot of the people who did not live  
6 in this country, who did not live in Progresso --  
7 they were allowed to vote. And one lady was here  
8 two years ago, and she wanted to testify to this.  
9 And she knew she was putting herself in danger, but  
10 she was going to do it, and she was not allowed to  
11 testify. But it does happen. Voter impersonation,  
12 I am sure, is not real common, but it does happen.  
13 And especially we on the border, where it's so  
14 easy -- I mean, we're just coming across and back  
15 and forth, and it's easy if somebody wants to  
16 manipulate somebody to make them vote. So -- but  
17 it's not the only problem we have. That's not all.  
18 There's others ways that our -- our election systems  
19 are broken like Indiana's was or whomever we take.

20 We need a lot of work on our system and  
21 putting laws in place that make us so we are more  
22 secure about our voting process.

23 We're in the process right now of losing  
24 our confidence, and that's why there's such --  
25 everybody -- some people think there's overreaction,



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1 but it isn't. It's because it's the most important  
2 thing in the world to us to have the security of one  
3 person, one vote. And we don't see that all the  
4 time. So we do get a little bit panicky and we do  
5 get a little bit paranoid, but that's -- now, we're  
6 court watchers. I've been a court watcher for 30  
7 years, so I've been around a long time. So I --  
8 I -- I've seen good people come in and try to clean  
9 it up, and then something comes and messes it up  
10 again. So I -- I don't know. We count on you all  
11 to know the right thing to do.

12 I am very sorry to see it is partisan. I  
13 was -- don't like partisan, but that's what I see  
14 here. And I believe Representative Veasey said it  
15 wasn't partisan, and I kind of went, whoa, not  
16 partison, huh? Well, anyhow, I think it is. But I  
17 don't care about who belongs to what and who's  
18 Democrat and who's Republican. All I care is that  
19 we get our system back like it should be where  
20 everybody is confident that when they come, it is  
21 one person, one vote. Thanks.

22 CHAIRMAN BONNEN: Thank you very  
23 much, Ms. Townsend. Any questions, Members?  
24 Representative Gutierrez, go ahead.

25 REPRESENTATIVE GUTIERREZ: Thank you,



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1 Ms. Townsend. How -- how did you all get that gal  
2 across the check point last session?

3 VIRGINIA TOWNSEND: Oh.

4 REPRESENTATIVE GUTIERREZ: I was just  
5 wondering.

6 VIRGINIA TOWNSEND: I don't know how  
7 she came on the check point. I don't know. I  
8 didn't ask.

9 REPRESENTATIVE GUTIERREZ: Oh, good  
10 for her.

11 VIRGINIA TOWNSEND: She was with  
12 30-some people. Maybe she just got lost in the  
13 bunch. I don't know.

14 REPRESENTATIVE GUTIERREZ: Well,  
15 thank you very much for coming. Thank you, ma'am.

16 CHAIRMAN BONNEN: Fern McLaugherty -  
17 I probably messed that up; I apologize - here to  
18 testify for Committee Substitute Senate Bill 14.

19 FERN MCLAUGHERTY: Fern McLaugherty.  
20 I am for SB-14. And like I say, it's McLaugherty.

21 CHAIRMAN BONNEN: Uh-huh.

22 FERN MCLAUGHERTY: We are to have a  
23 driver's license and a CHL. And I believe they have  
24 to be current to be legal. One cannot be without  
25 the other. They're a team together. We have to



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1 have an I.D. with picture on it to go to Sam's, be a  
2 student. Government jobs, we have picture I.D.  
3 Doctor's office. I saw a lady the other day. She  
4 was in a walker. She got turned around to go home  
5 and get her I.D., because she couldn't see the  
6 doctor, because she forgot her -- her driver's  
7 license. Military, passport, Social Security, when  
8 you go in there, they want your I.D. They want a  
9 picture I.D. of you.

10 I have been a poll catcher, I have been a  
11 judge, and I have been on the ballot board. And we  
12 need to work there a great deal. We need to work  
13 there. You all need to work on those -- those three  
14 positions.

15 We had one -- we have a gentleman that's  
16 from Progresso. He has drawers -- drawers of voter  
17 I.D. cards that he pulls out and hands to people,  
18 which is that lady that we were talking about that  
19 was in the room with you all. Some of you all were  
20 here. And they stopped them from testifying. So  
21 now I know why sometimes you all never see any,  
22 because you don't allow them to testify. But she  
23 was here and was willing to tell you all that this  
24 man gave you [sic] one. Now, not only is she an  
25 illegal and she was a lady, but she voted as a man,



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1 because it was a man's name on the card, but nobody  
2 noticed that.

3 So like I say, we were here two years ago  
4 and it was a -- a little surprising. And like I  
5 said, we don't know how she got across. She wasn't  
6 with us. But with 33 coming, I guess they just let  
7 them come on. We don't know.

8 Our last elections administrator, the one  
9 before we have now, she was indicted and she's pled  
10 out. And so we not only start at the top with  
11 things in illegal and working down with things, we  
12 start at the top. We had a Commissioner,  
13 Precinct 1, that's in the federal pen --  
14 penitentiary right now. So from Hidalgo County,  
15 like I say, we start at the top on and work down.

16 So we would like to have the voter I.D.  
17 We go around for the last two years and we've asked  
18 the poor people that we meet, we've asked the  
19 elderly, "Do you have a problem with the voter I.D.  
20 with your picture on it?" I have yet to have one,  
21 not one. They all say, "Heavens, yes, it would be  
22 so much easier." And the last time I was here, I  
23 understand that some of you didn't know where your  
24 voter registration cards are. How many of you know  
25 where your driver's license are or your CHL? I have



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1 both of them. When I came in the building today I  
2 handed him my CHL, and I got right on through.

3 Today someone stated that being 70 years  
4 old, I believe, that you don't need a -- a picture  
5 I.D. Don't you still have to have one for like  
6 Social Security, Medicare, Medicaid, whatever? So  
7 I'm 62. I'm trying to figure out how old I am. I'm  
8 either 62 or going to be 63, somewhere in there. So  
9 that means when I get to be 70, my driver's license  
10 and my CHL, I won't need? I'll be able to carry  
11 them; that's the age I'll be --

12 CHAIRMAN BONNEN: Thank you. Your  
13 time is up.

14 FERN MCLAUGHERTY: Okay. Thank you.  
15 I do appreciate it. And we do want the voter I.D.

16 CHAIRMAN BONNEN: Thank you. Any  
17 questions, Members?

18 Bee Whitlock here to testify for the  
19 Committee Substitute Senate Rule 4.

20 UNIDENTIFIED REPRESENTATIVE: Bob?

21 CHAIRMAN BONNEN: Yes.

22 UNIDENTIFIED REPRESENTATIVE: I have  
23 a question of Ms. Harless, since this is her bill.  
24 With respect to the 70 requirement --

25 CHAIRMAN BONNEN: Right.



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1 UNIDENTIFIED REPRESENTATIVE: --

2 could you explain how that works for the record,  
3 please.

4 REPRESENTATIVE HARLESS: The 70  
5 requirement was put on in the Senate. And the  
6 thought process was that -- that members, citizens,  
7 that were of the age 70 become less active in -- for  
8 the record, any of my friends that are in the room  
9 that are 70, 80 or 90, please don't hold that  
10 against me. It was not my statement. But that's a  
11 time in their life where they have a tendency to be  
12 less active, and we wanted them to have the  
13 provision of the exemption.

14 UNIDENTIFIED REPRESENTATIVE: And --  
15 and the exemption, as I understand it, is actually  
16 going to -- the group is actually going to grow  
17 smaller --

18 REPRESENTATIVE HARLESS: Yes.

19 UNIDENTIFIED REPRESENTATIVE: --  
20 through attrition. Is that right?

21 REPRESENTATIVE HARLESS: That's  
22 exactly right.

23 UNIDENTIFIED REPRESENTATIVE: All  
24 right. Thank you.

25 CHAIRMAN BONNEN: Mrs. Whitlock.



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1 BEE WHITLOCK: Yes. Bee Whitlock,  
2 I'm from Hidalgo, and I'm also with the House. And  
3 I know you all don't understand the way we live in  
4 Hidalgo County, but it's -- it's just terrible. We  
5 really have a problem. And we've got expired  
6 people voting. And I'm soon -- going soon to be 80,  
7 and I don't feel like I need to be cut down on  
8 anything. So -- and every time I go to the doctor I  
9 have to show my I.D. I go get a prescription, I  
10 have to show my I.D. So we're just for it and want  
11 to go through it real bad. Thank you.

12 CHAIRMAN BONNEN: Thank you very  
13 much.

14 Questions, Members? Thank you.

15 Elizabeth Barns here to testify for  
16 Committee Substitute Senate Rule 4.

17 ELIZABETH BARNES: Afternoon. My name  
18 is Beth Barns or Elizabeth Barns. And I'm with the  
19 OWLS, and I'm also from Hidalgo County.

20 Voter I.D, what a concept. We live in the  
21 Rio Grande Valley where there's a big problem. I  
22 worked the 2010 election this year, finding out  
23 many, many things.

24 First of all, we had people come in with  
25 no I.D., I don't have a driver's license, I don't



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1 have my voter registration card, but my name is. We  
2 found them.

3 We have driver's license -- we can -- one  
4 young man came in with a Mexican driver's license.  
5 He was in the system. No picture or his year --  
6 birthdate was not there. We couldn't verify that.

7 Then we had another gentleman come in,  
8 California driver's license with a La Joya, Texas,  
9 address. Who knows.

10 Illegals are a problem. They come across  
11 the river for the better life that we can offer.  
12 Some of them don't get out of the Valley, and they  
13 stay there. Well, some of them have been there for  
14 20 or 25 years. They somehow get a driver's license  
15 and other identification -- pieces of identification  
16 and the voter I.D. card. They come in and vote.

17 We just don't know what to do with it  
18 anymore, but we do very much want to have the photo  
19 voter I.D. card. Thank you.

20 CHAIRMAN BONNEN: Thank you. Okay.  
21 Mark Williamson, Minister Federal Intercessors, is  
22 here to testify for the Committee Substitute Senate  
23 Bill 4.

24 MARK WILLIAMSON: Thank you. I was  
25 here two years ago with the Senate, and that was



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1 quite an exercise, but glad to be back, honored to  
2 be here and to testify on behalf of the voter I.D.  
3 bill.

4 I'm an ordained minister dealing primarily  
5 with dozens of United States Congressmen in  
6 Washington, D.C. I recently served as the guest  
7 chaplain of the U.S. House of Representatives just a  
8 couple weeks ago. I approached this perhaps  
9 differently than most, being a citizen of Texas and  
10 also a minister focusing on God's design for the  
11 federal government. Based on the truth of  
12 scripture, our federal and state constitutions, I  
13 submit it is imperative to pass this legislation and  
14 to vote against it is a dereliction of one's duty.  
15 It's time to secure the vote.

16 The Biblical command to do everything  
17 decently and in order is not just a rule for  
18 churches; it is a life principle. And it is a  
19 principle particularly applicable to civil  
20 government and its processes. Romans 13 says that  
21 civil rulers, and that includes you Representatives,  
22 are the ministers of God to reward good and punish  
23 evil. You are stewards before God with a great  
24 weight of responsibility and opportunity that you  
25 will answer for. And do not take it lightly.



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1 To all the Members of the House, I would  
2 urge you to not reduce yourself or your position so  
3 as to compromise commonsense and integrity in our  
4 election process. It is time to secure the vote.  
5 God is a God of standards and boundaries from  
6 Mt. Sinai to the borders of nations to the  
7 boundaries of one man one woman marriage and  
8 salvation through Jesus Christ alone.

9 Do not ignore the principle. Let there be  
10 one standard universally applied so that all who  
11 vote are legitimate, qualified and identified  
12 voters. A photo I.D. is not too much to ask to  
13 secure our vote. And how would it be done if not  
14 through the simplicity of a photo I.D.? A photo  
15 I.D. is not an unbearable burden when one can't  
16 function in our modern society without it. The  
17 argument that a photo I.D remains an undue burden in  
18 light of all the safeguards already in this bill to  
19 protect the rights of everyone is now only a  
20 distraction unworthy of serious discussion among  
21 rational adults.

22 The Bible also states that whoever resists  
23 the ordinances of God and, by implication, His  
24 standards of integrity will bring judgment on  
25 themselves. And that goes for both citizens and



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1 rulers. God hates unjust weights and measures, the  
2 double standard that defines the lack of integrity.  
3 That means He is for single universally-applied  
4 standard equal for and protective of everyone, the  
5 Electorate as a whole, not just partisan  
6 constituencies.

7 I urge you to set a meaningful standard,  
8 set a standard against fraud and abuse of a sacred  
9 process, secure our votes and our elections. Even  
10 if I, for whatever reason, were unable to produce my  
11 driver's license at the polling booth, I would  
12 gladly sacrifice my vote to be confident that the  
13 Electoral process was sound and secure, no matter  
14 the outcome.

15 CHAIRMAN BONNEN: Sir --

16 MARK WILLIAMSON: Yes.

17 CHAIRMAN BONNEN: -- your time is up.

18 MARK WILLIAMSON: Okay. I was just  
19 about to close anyway.

20 CHAIRMAN BONNEN: Thank you very  
21 much.

22 MARK WILLIAMSON: Thank you very  
23 much. God bless you.

24 UNIDENTIFIED REPRESENTATIVE: Thank  
25 you.



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1 MARK WILLIAMSON: And God bless  
2 Texas.

3 CHAIRMAN BONNEN: Thank you.  
4 Sir, could you come back and state your  
5 name on the record.

6 MARK WILLIAMSON: I'm sorry. Mark  
7 Williamson, Katy, Texas.

8 CHAIRMAN BONNEN: Thank you.  
9 John Marler here to testify for the  
10 Committee Substitute Senate Bill 14. John  
11 M-A-R-L-E-R. Okay.

12 Anita Previtter with the League of Women  
13 Voters of Texas here to testify against the  
14 Committee Substitute to Senate Bill 14.

15 UNIDENTIFIED REPRESENTATIVE: We're  
16 trying to get back to the expert witnesses in about  
17 15 minutes here.

18 CHAIRMAN BONNEN: (Inaudible).

19 ANITA PRIVETT: Thank you for this  
20 opportunity. My name is Anita Privett. I'm the  
21 Advocacy Vice President for the League of Women  
22 Voters of Texas. And I think most of you know about  
23 the League's long history of 90-plus years of  
24 working on things like voter education. We really  
25 believe that civic engagement is extremely



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1 important.

2 Of those without -- I just have a few  
3 points to make, because you had heard a lot already.  
4 Of those without a driver's license, it's estimated  
5 that more than 70 percent of them are women and over  
6 one-third are seniors. Unless they happen to have a  
7 less common form of acceptable I.D., these  
8 individuals could include any who turn 70 over --  
9 after January 1st, 2012, which I happen to one of  
10 those. I'll be turning 70 next year. And I assure  
11 you that I have a passport and a driver's license  
12 today. But I know a day will come when I don't  
13 have. And my kids live in Kentucky, and I don't  
14 want to live in Kentucky; it's cold. So I may not  
15 have the easy access to being able to get an I.D.  
16 that it -- that you have if you have a child nearby  
17 who can take you to get those I.D.s. We believe  
18 that that's going to be a problem for quite a number  
19 of seniors, as well as women.

20 Remember that -- that people have to keep  
21 current an I.D., not just have one at one point in  
22 time. Obtaining and renewing a photo I.D. would be  
23 most difficult for those who do not drive and who do  
24 not already have the supporting documents that are  
25 required. SB-14 gives voters new reasons to worry



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1 that discrepancies between I.D. and the precinct  
2 list would disqualify them from voting a regular  
3 ballot. Discrepancies in name tend to be more  
4 common for women who may change their name if they  
5 marry, divorce or remarry.

6 The real problem in Texas is not voter  
7 impersonation. It is low voter turnout. Texas  
8 ranked 50th among the states in voter turnout in  
9 2010. No state had a lower turnout than Texas.

10 Each election The League of Women Voters  
11 fields a lot of questions from voters. They call  
12 our offices and ask questions. If we can't give  
13 them simple, clear answers they decide not to vote.

14 This voter I.D. requirement is going to  
15 make it very difficult for people to really  
16 understand what their options are. There are too  
17 many options in some ways and there aren't enough in  
18 others, but it's going to be confusing and people  
19 are going to be intimidated by it.

20 Stricter photo identification requirements  
21 are not what Texas needs. Further implementing  
22 these needless requirements would involve expensive  
23 new government programs to provide and renew photo  
24 I.D.s for meeting --

25 CHAIRMAN BONNEN: Ma'am, I'm sorry.



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1 Your time is up. Any questions, Members?

2 ANITA PRIVETT: Okay.

3 CHAIRMAN BONNEN: Representative  
4 Harless has a question.

5 REPRESENTATIVE HARLESS: To let you  
6 know, there is a provision in the bill that allows  
7 for ongoing training in the discrepancies of names  
8 and for that person to be able to cast their ballot.

9 ANITA PRIVETT: Provisional ballot?

10 REPRESENTATIVE HARLESS: No, a  
11 regular ballot.

12 ANITA PRIVETT: Well, that's good to  
13 know. I didn't know that.

14 REPRESENTATIVE HARLESS: They sign an  
15 affidavit saying, you know, when you've changed a  
16 name. If you were married or left off an initial,  
17 there's a provision in there.

18 ANITA PRIVETT: I'm sorry. I didn't  
19 realize that that change had been made.

20 CHAIRMAN BONNEN: Thank you.

21 Kenneth Buelter, B-U-E-L-T-E-R, Goliad  
22 County, Republican Party, here to testify for the  
23 Committee Substitute Senate Bill 14.

24 MR. BUELTER: Thank you, Chairman  
25 Bonnen and Committee. I'm here today --



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1 CHAIRMAN BONNEN: Could you please  
2 state your name.

3 MR. BUELTER: Kenneth Buelter, Goliad  
4 County, Republican party, here to testify for Senate  
5 Bill -- or the substitute for sub -- Senate Bill 14.

6 Chairman, I appreciate the opportunity to  
7 be here today. I am in a county that, as  
8 Representative Aliseda, who is my new  
9 representative -- and I appreciate his questions  
10 that he's put forward to all the witnesses today --  
11 in a county that's very near something that he  
12 mentioned earlier. Goliad County registered voters  
13 for the general election in 2010 that we just had  
14 are 5,552. Goliad is a small county in South Texas,  
15 near Victoria. Our Census data just released in the  
16 last few weeks for Goliad County shows a total  
17 voting age population over the age of 18 at 5,562.  
18 That means I have 99.82 percent of available  
19 registered voters in Goliad County registered. I do  
20 not believe that to be truthful.

21 However, this voter I.D. bill gives us all  
22 the opportunity that when my election judges at each  
23 election have to verify those voters that they can  
24 have an easy method of verifying that by having them  
25 present a photo I.D. that shows that judge who they



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1 are and why they should be able to have the  
2 privilege to cast a ballot in that election. Thank  
3 you.

4 CHAIRMAN BONNEN: Questions, Members?  
5 Thank you. Appreciate your being here.

6 Alan Vera here testifying on behalf of  
7 himself for the Committee Substitute Senate Bill 14.

8 ALAN VERA: My name is Alan Vera. I  
9 represent myself and probably a half dozen other  
10 old, cranky Vietnam vets. I'm here to speak for the  
11 Committee Substitute voter I.D. photo bill.

12 Last November, I volunteered to serve as  
13 an alternate judge for the general election. My  
14 presiding judge assigned me to work the voter  
15 registration booth to sign in voters for precinct.  
16 There were three incidents in my assigned precinct  
17 that I think you should know about.

18 The first was fairly benign. I had a  
19 voter approach me and hold out three voter  
20 registration cards made out to her name in various  
21 forms. She asked me which one she should use. She  
22 was not trying to commit voter fraud. She simply  
23 needed guidance, because she had received three  
24 separate voter cards.

25 The other two incidents were far more



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1 serious. I'm very meticulous, almost to the point  
2 of being anal. I took the job very seriously my  
3 first time working the polls, took all the courses,  
4 read all the books, even went through the Texas  
5 Election Code, all thousand pages of it. By law, I  
6 was accepting all forms of I.D. allowed by the  
7 Election Code, putting aside my personal opinions,  
8 including utility bills, expired out-of-state  
9 driver's licenses, et cetera.

10 Around noon, I had a voter present me a  
11 valid voter I.D. card. When I went to find her name  
12 in the book, I found she had already voted that day,  
13 or, rather, someone else had voted in her name. And  
14 I was the one who let that person vote, using some  
15 other form of I.D. I informed her of the problem.  
16 She was understandably annoyed and irritated. She  
17 offered her driver's license to prove she was the  
18 person she claimed to be. I called the presiding  
19 judge, who reviewed the situation, called the County  
20 for a ruling, and we allowed that woman to vote  
21 provisionally, but she was told her vote probably  
22 would not count. We had disenfranchised a Texas  
23 voter in a minority area.

24 It happened again at 4:00 p.m. under  
25 identical circumstances.



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1 Later that evening, I met with other  
2 judges and poll watchers to compare notes, and my  
3 incident was not by any means isolated. This  
4 occurred regularly and frequently throughout the  
5 day.

6 By allowing too wide a range of acceptable  
7 I.D. cards for voting, our current process is  
8 disenfranchising legitimate voters, perhaps not  
9 intentionally. But at least, in my experience, two  
10 voters were denied the right to vote. Okay?

11 I'm sure that we all have, in good  
12 conscious, a desire to let everyone vote and vote  
13 correctly. But our current unstructured,  
14 undisciplined form of voter I.D. is actually  
15 contributing to disenfranchisement.

16 In the spirit of full disclosure and  
17 fairness, I will tell you that I worked those polls  
18 under the guidance of True The Vote, which is  
19 organized by King Street Patriots in Harris County.  
20 It's a citizen-led initiative to educate citizens  
21 and train them to be poll workers, poll watchers for  
22 their party candidate or further issues. And I was  
23 one of the trainers involved, which is why I had to  
24 read all thousand pages of the Texas Election Code.

25 Thank you.



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1 Any questions?

2 CHAIRMAN BONNEN: Thank you.

3 Members, any questions? Thank you.

4 Sumit DasGupta, D-A-S-G-U-P-T-A, Network  
5 of Asian Organizers, here to testify against  
6 Committee Substitute to Senate Bill 14.

7 SUMIT DASGUPTA: Mr. Chairman,  
8 honorable Representatives, I am Sumit DasGupta, and  
9 I stand before you as the Vice President of  
10 Political Affairs of the Network of Asian  
11 Organizations, NAO -- AO for short, to express some  
12 fear on NAO's 15 organizations in the Greater Austin  
13 area, our deepest reservations about this voter I.D.  
14 bill.

15 As a private citizen - it will come up  
16 later on when I talk about some of the details - I'm  
17 also a computer scientist and an executive at a  
18 small company that's involved in chip design and  
19 manufacturing. In my role at NAO, I've done  
20 sufficient research which leads me to the conclusion  
21 that can best be summarized by the statements, is  
22 this a solution looking for a problem? And if  
23 there's a problem, where is the sufficient evidence?

24 Allow me to express my concerns by  
25 punctuating my reservations with some personal



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1 anecdotes and observations.

2 I arrived in the U.S. in 1967 as a  
3 graduate student and a teaching assistant, so I had  
4 to get a Social Security card, which I did, so that  
5 I could get paid. I got my Social Security card and  
6 promptly forgot some nuanced changes in the last  
7 name, which I ran up against this last September  
8 when I had to register for Medicare. I turned 65 in  
9 October.

10 So I noticed that my last name was not  
11 spelled DasGupta, single word with capital D and  
12 capital G, but instead two words, D-A-S capital D,  
13 and Gupta, capital G. I then remembered that this  
14 is an artifact of mainframe programs of the 1960s.  
15 That's been fixed now. But that -- that artifact  
16 still exists in Social Security records.

17 And so as part of the registration, I  
18 tried to get my name changed to the proper name. I  
19 am sorry to tell you, I'm still trying and results  
20 are still incomplete. Okay?

21 So just for your information, I've spent  
22 25 of my 40-year career at IBM designing mainframes  
23 and programming mainframes, so that's some of the  
24 problems that we're still faced with because the  
25 data itself goes back to the '60s.



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1 So if such a discrepancy that I just gave  
2 you showed up between your voter rules and whatever  
3 I.D. I have to show during a vote, is that  
4 sufficient reason for me to get rejected? That's  
5 one example.

6 That was my last name. Let's talk about  
7 my first name. It is Sumit, S-U-M-I-T. Can you  
8 guess how many times in these 40-plus years I've  
9 been in this country where I've been called Summit,  
10 S-U-M-M-I-T, and spelled that way? And received  
11 mail addressed to Summit DasGupta. With a smile and  
12 a joke, I reminded everybody that I am still, at 65,  
13 one M short of the top.

14 CHAIRMAN BONNEN: I apologize, but  
15 your time is up.

16 SUMIT DASGUPTA: Okay. Thank you.

17 CHAIRMAN BONNEN: Thank you. Any  
18 questions, Members? Thank you.

19 Sylvia Guzman, Amigos dos de Patriots,  
20 here to testify for the Committee Substitute Senate  
21 Bill 14.

22 Jessica Gomez representing Disability  
23 Rights of Texas, formally Advocacy, Inc., neutral on  
24 the Committee Substitute to Senate Bill 14.

25 JESSICA GOMEZ: Good afternoon. My



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1 name is Jessica Gomez, and I am a voting rights  
2 policy specialist at Disability Rights Texas,  
3 formally known as Advocacy, Inc. Under the Help  
4 America Vote Act, Disability Rights Texas is charged  
5 with ensuring the full inclusion of people with  
6 disabilities in the electoral process. Thank you  
7 for the opportunity to testify on the Committee  
8 Substitute before us today.

9 The disability exemption included in the  
10 bill before the committee is absolutely necessary.  
11 And we thank you, Representative Harless, for  
12 including it and Senator Patrick for introducing it  
13 in the Senate.

14 People with disabilities are some of the  
15 least likely to have photo I.D.s. Many people are  
16 unable to work due to the severity of their  
17 disability and often unable to drive, and they rely  
18 on others to assist them with the activities that  
19 require photo I.D.s, such as banking. They live on  
20 fixed incomes and face numerous transportation  
21 challenges, especially those that live in rural  
22 areas. Yet, despite these challenges, people with  
23 disabilities look forward to election day when they  
24 are able to visit their neighborhood polling place  
25 and cast a vote alongside the rest of their



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1 community. Let's make sure that when they get there  
2 we do not turn them away because their disability  
3 has prevented them from obtaining a photo I.D.

4 I did want to address -- address previous  
5 testimony that you have to have a photo I.D. in  
6 order to receive disability benefits in the State of  
7 Texas or Social Security or veterans benefits. That  
8 is untrue. According to policy and procedure  
9 manuals from Health and Human Services Commission,  
10 you do have to prove your identity, but it does not  
11 have to be in the form of photo identifying. There  
12 are many other ways to verify your identity. And  
13 photo I.D.s issued by DPS is not required to receive  
14 Social Security benefits or veteran benefits on the  
15 basis of a disability.

16 We also need to ensure that people with  
17 disabilities and others know about the new  
18 requirements and the exemption by putting more  
19 behind voter education than the \$2 million in the  
20 current fiscal note. It is simply irresponsible  
21 policymaking to pass a bill with a fiscal note that  
22 we know is inadequate, especially when the State is  
23 poised to cut programs and services that people with  
24 disabilities rely on to live.

25 Consider that the State spent \$3.5 million



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1 annually educating voters about the new voting  
2 systems when the Help America Vote Act passed in  
3 2002. How, then, is two million dollars sufficient  
4 to inform voters of the drastic eligibility changes  
5 proposed in SB-14?

6 With a large geographic size and rural  
7 population, Texas should create mobile outreach and  
8 I.D. units that can travel to rural areas and  
9 educate people about the new requirements and give  
10 them the necessary identification, like Missouri  
11 did. This is especially important with people with  
12 disability and low income individuals, who are less  
13 likely to have access to traditional media outlets.  
14 If the intent of this bill is to protect the  
15 integrity of the electoral process and not to  
16 disenfranchise otherwise eligible voters, prove it  
17 to Texans by funding appropriate voter outreach.  
18 Thank you.

19 CHAIRMAN BONNEN: Thank you. Any  
20 questions, Members? Representative Harless has a  
21 question.

22 REPRESENTATIVE HARLESS: Thank you  
23 for being here. And you saw the Committee  
24 Substitute where we put in there if they can't have  
25 the current forms of I.D. then they would be exempt



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1 under the language that you helped us write.

2 Did you also see in the fiscal note that  
3 they added additional money for technology for  
4 certain disabilities?

5 JESSICA GOMEZ: No, I did not. Would  
6 you --

7 REPRESENTATIVE HARLESS: They --  
8 it's -- it's on Page 3 of the fiscal note and it  
9 talks about technology. They added an additional  
10 \$24,000, and they anticipate that there will be --  
11 there -- we'll have testimony about the Help America  
12 Vote Act, but they did add an additional \$24,000 in  
13 there.

14 JESSICA GOMEZ: That's really great  
15 to hear. And would that \$24,000 also come from HABA  
16 funds?

17 REPRESENTATIVE HARLESS: In here  
18 we -- we have a copy of it. We can get you -- it  
19 doesn't spell out specifically. It says the  
20 Secretary of -- indicates the federal funds  
21 associated with Help America Act [sic] may be  
22 available for use, but the agency would first need  
23 to verify this with the federal government. And  
24 we're going to have someone from the Secretary of  
25 State testifying later.



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1 JESSICA GOMEZ: Great. That's --  
2 that's wonderful to hear. I'm very glad that that  
3 was included. However, I would caution Committee  
4 Members that the Help America Vote Act funds have  
5 been eliminated in the President's budget. So we  
6 will likely not be seeing anymore of these. Let's  
7 make sure that we don't spend the last of those  
8 funds on this and that we reserve some to educate  
9 voters about other important things.

10 CHAIRMAN BONNEN: Thank you.  
11 Representative Aliseda.

12 REPRESENTATIVE ALISEDA: Perhaps this  
13 question should go to Representative Harless, but  
14 our version of course today is different than the  
15 Senate's version, is that not correct, with respect  
16 to the disabled?

17 The Senate version has a doctor's note  
18 would qualify for an exemption or requirement for  
19 the voter identification.

20 In this version, I believe we're using  
21 language that you proposed, which says that a  
22 social -- a letter from the Social Security  
23 Administration would be sufficient. Is that  
24 correct?

25 REPRESENTATIVE HARLESS: That is



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1 correct.

2 REPRESENTATIVE ALISEDA: And when you  
3 talked to me about it, I expressed some concerns  
4 about doctors' notes, because we've seen what  
5 doctors' notes do in Wisconsin, for example.

6 REPRESENTATIVE HARLESS: That is  
7 correct.

8 REPRESENTATIVE ALISEDA: All right.  
9 I have no further questions. Thank you.

10 REPRESENTATIVE HARLESS: Excuse me.  
11 Could I clarify?

12 CHAIRMAN BONNEN: Okay. Do you have  
13 a question of the witness?

14 REPRESENTATIVE HARLESS: No. I  
15 wanted to clarify.

16 CHAIRMAN BONNEN: Thank you for being  
17 here. Go ahead, Representative Harless.

18 REPRESENTATIVE HARLESS: It does --  
19 it does say a doctor's -- it does spell out  
20 specifically the language, but only if they don't  
21 have one of the six forms of I.D., and that was open  
22 before. Everyone was exempt with disabilities. Now  
23 it says if they have one of the six forms of I.D.  
24 then...

25 CHAIRMAN BONNEN: Andrew Joseph, U.T.



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1 student, here testifying against Committee  
2 Substitute Senate Bill 14.

3 Mr. Joseph, I need you to completely fill  
4 out the witness affirmation, if you would. I need  
5 your address and your phone number on this form. No  
6 problem. Not a big deal. We just need to get it  
7 done.

8 ANDREW JOSEPH: Name is Andrew  
9 Joseph. I'm a student at U.T. currently, and I'm a  
10 fairly heavy utilizer of public transit. And I feel  
11 that this bill -- I mean, the way it's proposed is  
12 essentially in a way relegating us to second class  
13 citizens where, you know, we -- you know, we have  
14 student I.D.s. And we will not be able to use those  
15 student I.D.s whenever -- despite the large number  
16 of voter registration efforts that are ongoing on  
17 campus at any given time. And I feel that as public  
18 transit users we are not really given any kind of  
19 consideration.

20 You know, it's assumed that just everybody  
21 should have a driver's license. But you rely on  
22 public transit, as I have many friends and  
23 colleagues that do quite often, it's not necessary  
24 that you have a driver's license. And even though I  
25 know that there are other forms provided, the idea



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1 that this shall be very cumbersome on people to  
2 find, you know, these forms of identification, I  
3 think just puts the perception out there that --  
4 that, you know, the purpose of the bill is for  
5 disenfranchisement. I think just the perception of  
6 that is dangerous. I think that, you know, other  
7 suggestions have been given, such as improving the  
8 databases, such as, you know, having a -- you know,  
9 day voting registration. I think that -- if those  
10 policies were instituted instead of this policy, I  
11 think that those concerns would be alleviated.  
12 And as I've heard, you know, the Secretary of State  
13 from Indiana said that -- that people would become  
14 more comfortable allowing various proposals to be  
15 floated if these measures were passed. But I don't  
16 see why we should have to appease certain groups of  
17 people in order to exercise our basic rights as  
18 citizens. And with that, I'm...

19 CHAIRMAN BONNEN: Members? Thank  
20 you. If you would, please, get that filled out  
21 correctly.

22 Diana Gorman, a travel agent representing  
23 herself, here to testify for Committee Substitute  
24 Senate Bill 14.

25 DIANA GORMAN: Hi. I'm Diane Gorman,



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1 and I live in Dallas. Came from the Rio Grande  
2 Valley, so...

3 I just -- thank you, first of all, for  
4 letting me speak. But I was sitting out there  
5 listening to some of the previous experts, and I was  
6 very saddened by some things I heard. And it  
7 prompted me to want to come up here. So something I  
8 wrote, voter fraud comes in all colors and poor  
9 people come in all colors, too. This is not a  
10 minority or economic issue, and I'm offended by  
11 those who try to pretend it is. I have a friend who  
12 called and asked me to vote for her because she was  
13 out of town and became very upset with me because I  
14 wouldn't do it. She was a Caucasian, a professional  
15 and a Republican, so this should not be a Democrat  
16 versus Republican or minority versus non-minority  
17 issue. This is about protection of the privileges  
18 and rights of each and every citizen to have their  
19 vote really mean something.

20 This past year I volunteered in the  
21 campaign of Debbie Carter (phonetic), who is an  
22 African American -- at least that's how some people  
23 may see her. But to me she is an American, an  
24 unhyphenated American, just like I am. And she is  
25 also a Republican. While calling to encourage



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1 people to vote for her, I encountered quite a few  
2 instances of people who asked, "Why vote? My vote  
3 doesn't matter anymore." They were intimidated,  
4 which seems to be the keyword around here today.  
5 They were intimidated and kept away from the polls  
6 because of voter fraud. They felt like their vote  
7 didn't really count; there was too many other people  
8 that voted illegally.

9 It is extremely offensive to be called, in  
10 essence, a racist just because we have a different  
11 point of view, just because we want to ensure that  
12 the voters' votes are not diluted by fraudulent  
13 voting.

14 I personally don't think this bill is  
15 strong enough. I am a proponent of fingerprint  
16 voting, but this bill is at least a step in the  
17 right direction.

18 I would like to add that I was a recipient  
19 of the E-mail that was mentioned earlier about some  
20 polling places not being safe. As a woman who is  
21 new to Dallas, I very much appreciated that E-mail  
22 warning me before I volunteered to work at nights in  
23 a high crime area. Thank you very much.

24 CHAIRMAN BONNEN: Ma'am? Are there  
25 any questions, Members? Thank you.



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1 Verona Thornton, online retailer, self  
2 employed, here to testify for the Committee  
3 Substitute to House -- Senate Bill 14.

4 VERONICA THORNTON: I'm Veronica  
5 [sic] Thornton, and I support SB-14. I wanted to  
6 testify, because I take issue with the race beating  
7 that I see here that -- that I'm hearing from these  
8 testimonies today. I'm a black woman, but I'm  
9 looking at this from a different point of view from  
10 regular American black people.

11 I'm a naturalized citizen, and I've been  
12 in this country since 1975. I became naturalized  
13 and I've worked as a clerk and as a judge in the  
14 polling place. And I don't understand why this race  
15 beating has to go on. It's an insult to the black  
16 community. And this victim mentality need [sic] to  
17 stop.

18 Everybody has some kind of I.D. And it  
19 seems like there are a lot of provisions that are in  
20 this bill that I don't even think should have been  
21 there. But I think it's liberal enough for everyone  
22 to be satisfied with -- with this bill.

23 People need I.D.s to do practically  
24 everything. If you go to Wal-Mart you cannot get  
25 your medicine without showing some kind of I.D. And



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1 so that's all I have to say.

2 CHAIRMAN BONNEN: Thank you. Any  
3 questions, Members? Thank you for coming.

4 Tonja Michelle Goby Smith, Concerned Women  
5 for America, for Committee Substitute Bill 14.

6 TONJA MICHELLE GOBY SMITH: I'm  
7 actually Tonja Michelle Smith. I go by Michelle, so  
8 I'll try to clarify that. Sorry.

9 Mr. Chairman, Committee Members, thank you  
10 for allowing me to speak. My name is Michelle  
11 Smith, and I'm the East Texas Area Director for  
12 Concerned Women of America. I am also the election  
13 judge for Rockwall County Precinct 1D. I have  
14 served as election judge for four election cycles  
15 since before 2009.

16 Concerned Women for America strongly  
17 supports SB-14 in its original form. And I want to  
18 stop there and apologize, because when I came to  
19 testify, I was here to testify against the Senate  
20 Bill amendments. And I saw what you've done to  
21 strengthen the bill, and I appreciate that. And  
22 we -- it looks good. So thank you for that.

23 And so we also believe that fair and  
24 ethical election practices should be practiced here  
25 in Texas and across this land. Texas is a shining



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1 star for all of America. And we want it to be  
2 strong here. We want the highest level of integrity  
3 brought to our voting process here.

4 Upon my tenure as election judge, I have  
5 seen how the process works in Texas. Anyone can  
6 walk into the election precinct, hand me a voter  
7 I.D. card, and I have no idea if that is, in fact,  
8 the person on the card or not.

9 We have -- I have heard argument that this  
10 will cost the State of Texas a lot of money. How  
11 difficult and costly can it be for someone to walk  
12 in and show an I.D. versus a voter I.D. card?

13 I will say from my experience as an  
14 election judge more than half of the people walking  
15 in my precinct hand me a voter -- a driver's license  
16 without even being asked, because they don't have  
17 their voter I.D. card.

18 I also want to say that our election  
19 judge -- our election chairman in Rockwall County  
20 requires training each election cycle for us to get  
21 refreshed on the rules. So the training is  
22 necessary regardless of our -- of what's going on.

23 Understand that there will be some  
24 literature costs involved in changing the -- the  
25 rules, but I want to say that that cost should not



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1       outweigh the highest integrity we have in our voting  
2       process. No matter if you're Democrat or  
3       Republican, if you're running for office, you want  
4       to make sure that that's fair and just how you're  
5       elected.

6               I also want to say we support a clean bill  
7       that allow -- that does not allow for any exceptions  
8       that could allow fraud or deception, and we ask the  
9       Committee to support SB-14 in its original form. So  
10      thank you very much.

11             CHAIRMAN BONNEN: Questions, Members?  
12      Thank you.

13             UNIDENTIFIED SPEAKER: Thank you.

14             CHAIRMAN BONNEN: Chair calls John  
15      O'Brien, Director of the Legislative Budget Board,  
16      here to testify neutrally on the Committee  
17      Substitute to Senate bill 14.

18             JOHN O'BRIEN: Thank you,  
19      Mr. Chairman, Members. My name is John O'Brien,  
20      Director of the Legislative Budget Board. And I've  
21      been asked to come here as a resource witness. I'm  
22      available to ask questions.

23             CHAIRMAN BONNEN: Mr. Veasey, you  
24      have questions?

25             REPRESENTATIVE VEASEY: Yeah. I want



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1 to -- no. He's just here to answer questions.

2 Yeah.

3 I wanted to specifically ask you about the  
4 fiscal note to the bill. What -- what's the fiscal  
5 note that you all have on the bill?

6 JOHN O'BRIEN: The current fiscal  
7 note on the Senate engrossed version is a G.R. cost  
8 in 2012 of 2 million \$24,000 [sic].

9 REPRESENTATIVE VEASEY: And so --  
10 and -- and...

11 CHAIRMAN BONNEN: I want to be clear,  
12 we're here taking testimony on the Committee  
13 Substitute to Senate Bill 14, so we need to stay on  
14 the substitute.

15 REPRESENTATIVE VEASEY: Okay. So --  
16 so -- and -- and there's -- and there's nothing --  
17 oh, he took -- he took it out of substitute. Is  
18 that right?

19 JOHN O'BRIEN: We'll do our -- we'll  
20 do our fiscal note on the substitute when you report  
21 it on the Committee.

22 REPRESENTATIVE VEASEY: Okay. Yeah.  
23 Because I was -- I was worried about the -- there  
24 was someone here from Indiana --

25 CHAIRMAN BONNEN: Correct.



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1 REPRESENTATIVE VEASEY: -- I think  
2 they said they spent \$1.6 million. And I think  
3 their largest media market would be Indianapolis.  
4 Gary was in the Chicago market, so they would  
5 probably have to spend money in the Chicago market  
6 in Gary. But, of course, we have several -- you  
7 know, we have at least two major markets,  
8 Dallas/Fort Worth and then Houston and then several  
9 medium-sized markets. And so it probably cost a lot  
10 more than that. So I was concerned about the fiscal  
11 note, but --

12 CHAIRMAN BONNEN: No. Please talk  
13 about it.

14 REPRESENTATIVE VEASEY: Yeah. And I  
15 was just trying to figure out how -- I know that you  
16 all had taken that note from the Secretary of  
17 State's office.

18 CHAIRMAN BONNEN: (Inaudible).

19 REPRESENTATIVE VEASEY: And I wanted  
20 to find out how you came to an agreement on that  
21 number.

22 CHAIRMAN BONNEN: Okay.

23 JOHN O'BRIEN: Let me say what the  
24 Secretary of State estimate includes.

25 First of all, that they're -- they're



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1 talking about investing about half a million to  
2 research ways to inform the public. And then their  
3 media educational approach is \$750,000 for T.V.,  
4 \$300,000 for radio, another \$300,000 for prints and  
5 \$150,000 for Internet education.

6 REPRESENTATIVE VEASEY: Yeah. And  
7 see -- and that's a concern, because we -- we would  
8 need to probably spend a lot more money than  
9 Indianapolis did on television. I mean, if they  
10 spent 1-point -- I think the number was 1.6. You  
11 know, I'm concerned about just accepting the number  
12 from the Secretary of State's office, because it  
13 sounds like that maybe you all should have done a  
14 little bit more research.

15 Did -- did the Comptroller's office  
16 compliment this in any way? I mean, did you all do  
17 your own research? Is it normal for you to -- to  
18 just take the -- another agency's word for it or do  
19 you all --

20 JOHN O'BRIEN: It's not only a common  
21 practice, it's a preferred practice. The Secretary  
22 of State are the experts on this matter.

23 REPRESENTATIVE VEASEY: Okay. Yeah.  
24 That was -- and that was my biggest concern was that  
25 this was such a large state that there was no way



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1 that that number's going to cover. I mean, you can  
2 talk to political consultants on both sides of the  
3 aisle and they'll tell you how much it cost. And  
4 you probably have followed campaigns just on the --  
5 you know, on the periphery. I know you're not an  
6 elected official, but you work in the Comptroller's  
7 office. And you probably are interested in the  
8 Electoral process like everyone else, and it cost --

9 JOHN O'BRIEN: I speak for the  
10 Speaker and the Lieutenant and Governor.

11 REPRESENTATIVE VEASEY: Yeah. It  
12 cost a lot of money to advertise in this state. So  
13 I'm just worried -- I'm very concerned about the  
14 fiscal note.

15 JOHN O'BRIEN: There's nothing --

16 REPRESENTATIVE VEASEY: I just don't  
17 think -- I just don't think -- it seems to be a bad  
18 number.

19 JOHN O'BRIEN: As we proceed through  
20 the appropriations processes there's nothing that  
21 stops Senator Ogden and Mr. Pitts (phonetic) from  
22 appropriating more if -- if --

23 REPRESENTATIVE VEASEY: Well, but we  
24 don't have any money, which is another concern. So  
25 if it costs -- if it's going to cost more, you



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1 know, then we need to know about that, too, because  
2 we're looking at the possibility of -- of  
3 consolidating classrooms and laying teachers off.  
4 And so, you know, we're -- we're -- and I'm sure  
5 every conservative in the audience understands this.  
6 We're just at a juncture in our -- in our -- in our  
7 budget and in our history of the state to where we  
8 just don't have a lot of money. And I -- I don't  
9 think that any taxes are going to be raised. And so  
10 every dollar that we're going to spend, we need to  
11 make sure that we have a -- a full and better  
12 understanding of -- of -- of the process when these  
13 fiscal notes come out.

14 Missouri spent, I think, close to  
15 \$10 million or more. They have one major television  
16 market. They have the St. Louis television market.  
17 It's a much smaller state. I'm -- I'm just really  
18 concerned that we're going to spend a lot more money  
19 than -- than what was presented here. And we've  
20 already had issues about not forecasting properly,  
21 which is one of the reasons why we're in the mess  
22 that we're in right now. So -- and -- and that's  
23 the only thing I have for you. I was very concerned  
24 and wanted you to just come and address that. And I  
25 appreciate you coming to address that today.



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1 CHAIRMAN BONNEN: Mr. Veasey,  
2 Georgia-- the -- George, from the Secretary of  
3 State, he said that they spent \$842,000 on, in  
4 essence, their media campaign --

5 REPRESENTATIVE VEASEY: Uh-huh.

6 CHAIRMAN BONNEN: -- and \$773,000 on  
7 education, training and producing of I.D.s. So  
8 Georgia's not quite as large a state as Texas, but  
9 their media campaign there was, I think, less --

10 REPRESENTATIVE VEASEY: They have one  
11 major market. I think Atlanta --

12 CHAIRMAN BONNEN: Atlanta, correct.

13 REPRESENTATIVE VEASEY: Houston may  
14 be No. 10. I think Atlanta may be No. 11. But we  
15 have several markets. We have at least two large  
16 media markets, Houston and Dallas. And then we take  
17 in Austin, San Antonio, Waco, Bryan College  
18 Station --

19 CHAIRMAN BONNEN: They had smaller  
20 markets, too.

21 REPRESENTATIVE VEASEY: -- I mean, it  
22 cost a lot of money to advertise in this state.

23 CHAIRMAN BONNEN: Representative  
24 Aliseda.

25 REPRESENTATIVE ALISEDA: My own



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1 observation is what's the value of an Electoral  
2 system that the public has confidence in. It's  
3 certainly worth more than \$2 million to me for that.

4 REPRESENTATIVE VEASEY: And -- and  
5 that's -- and I understand the point that the --  
6 Representative Aliseda is making. But with the  
7 money that we don't have to work with this session,  
8 because everything is so tight - and we're talking  
9 about, you know, nursing homes possibly shutting  
10 down, schools possibly being closed, classrooms  
11 being consolidated - we need to have a better  
12 understanding of how much money this is actually  
13 going to cost than -- I mean, it's clear, you know,  
14 just from everything that I've seen thus far that we  
15 don't, because there's no way that it's only going  
16 to cost \$2 million. That's just absolutely -- it's  
17 not even realistic.

18 CHAIRMAN BONNEN: Thank you.

19 REPRESENTATIVE GUTIERREZ:

20 Mr. Chair --

21 CHAIRMAN BONNEN: Representative  
22 Gutierrez.

23 REPRESENTATIVE GUTIERREZ: -- just a  
24 few questions. Now, according to Secretary of  
25 State, there's about 2.8 million registered voters



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1 that have voted without an I.D. Is that accurate?

2 JOHN O'BRIEN: I have no idea. I  
3 don't work for the Secretary of State.

4 REPRESENTATIVE GUTIERREZ: Where --  
5 the Secretary of State will be up here later.

6 UNIDENTIFIED REPRESENTATIVE: You're  
7 with the LBB. Correct?

8 JOHN O'BRIEN: Yes, sir.

9 REPRESENTATIVE GUTIERREZ: And -- and  
10 so I guess what I'm getting at or what -- and I  
11 apologize, I was in the back room talking to my good  
12 friend, Representative Pena here, about some of the  
13 woes in our communities. And I didn't hear -- where  
14 did two million dollars come from? Is this a number  
15 that came out, or is it have some kind of --

16 JOHN O'BRIEN: They provided some  
17 level of detail on it. I'll go over it again. It's  
18 on Page 2 of the fiscal --

19 REPRESENTATIVE GUTIERREZ: You can  
20 give me the short version.

21 JOHN O'BRIEN: Okay. About \$500,000  
22 to do research, and then the balance of the  
23 1.5 million was on the media campaign through  
24 different -- different television and so on. And as  
25 Ms. Harless said before, \$24,000 on technological



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1 improvements in order to implement this provision  
2 for the disabled.

3 REPRESENTATIVE GUTIERREZ: Okay. So  
4 you didn't get into the free I.D.s --

5 UNIDENTIFIED SPEAKER: No.

6 REPRESENTATIVE GUTIERREZ: -- the  
7 free --

8 JOHN O'BRIEN: That's -- what DPS  
9 said in response to that estimate was that they knew  
10 there would a revenue loss because of those free  
11 I.D.s, but they don't know how many people will come  
12 forward. And -- and so they did not estimate it.

13 REPRESENTATIVE GUTIERREZ: Okay.  
14 Well, in the interest of time, I'll save my  
15 questions for DPS, because I think that those  
16 numbers are really closer to between eight and  
17 \$10 million. I think that's important to know.  
18 They -- they never suggest -- did they throw a  
19 number out to LBB, DPS?

20 JOHN O'BRIEN: DPS, no, sir.

21 REPRESENTATIVE GUTIERREZ: So you  
22 can -- it's not fair for me to ask you about DPS.  
23 We'll wait until they get up here. Thank you.

24 CHAIRMAN BONNEN: Any other  
25 questions, Members? Thank you, Mr. O'Brien.



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1 JOHN O'BRIEN: Thank you.

2 CHAIRMAN BONNEN: Appreciate your  
3 coming by.

4 JOHN O'BRIEN: Sure.

5 CHAIRMAN BONNEN: Chair calls Russ  
6 Duerstine, Tom Green GOP Chairman and Election  
7 Support Association of Tom Green County for  
8 Committee Substitute Senate Bill 14.

9 RUSS DUERSTINE: Thank you,  
10 Representative Bonnen. I appreciate that. Thank  
11 you, Committee. Thank you, Commissioner Harless,  
12 for supporting this bill.

13 I present to you a rather unique scenario.  
14 In Tom Green County we have --

15 CHAIRMAN BONNEN: Sir --

16 RUSS DUERSTINE: -- we have an  
17 election --

18 CHAIRMAN BONNEN: -- sir, would you  
19 please state your name.

20 RUSS DUERSTINE: Russ Duerstine. I'm  
21 the County Chair -- Republican County Chairman in  
22 Tom Green County, San Angelo, Texas.

23 I -- I present a rather unique scenario to  
24 you. We have a -- an election support  
25 administration or an association in Tom Green County



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1 that's comprised of the Democrat Chairman, the  
2 Republican Chairman, the Libertarian chairman. And  
3 we work in close association with the elections  
4 administrator there. And we provide training  
5 information for election judges. We help support  
6 them. We have an annual celebration where we  
7 acknowledge their work as election judges. And  
8 we've had a -- a scenario that, as County Chairman,  
9 I'm going to define myself as quite a predicament  
10 here in two years.

11 We're -- as we were putting on one of  
12 these support in association trainings, we were  
13 doing voter registrar training and deputy voter  
14 registrar training. We had a spillover from a 2008  
15 election where in the Democrat primary we had an  
16 African American candidate against a Mexican  
17 American candidate, and there was allegations from  
18 the African American candidate that there was voter  
19 impersonation going on, that he had a reputation of  
20 having in the neighborhood of 300 voter registration  
21 cards where he had them from folks that were dead or  
22 whatever, had multiple ones, and was having people  
23 go and vote in her behalf.

24 Well, it's impossible to prove that  
25 without voter reg -- voter I.D. And so there was a



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1 lot of call from the -- that candidate, who did  
2 eventually lose to the Hispanic candidate, to ask  
3 the election administrator, "Please make them show  
4 voter photo I.D."

5 And it was part of the education process  
6 when we were doing deputy voter registration to  
7 explain to them that the law does not allow that.

8 And so in 2010, while we were having this,  
9 that dispute broke out all over again. Now, that  
10 Democrat candidate went on to barely lose to the  
11 Republican candidate in the only precinct in our  
12 county that is a majority Democrat precinct in Tom  
13 Green County.

14 The situation I find myself in is that  
15 most of the grassroots Democrats that came to that  
16 meeting were upset -- were blaming us as Republicans  
17 for not having voter photo I.D. and they couldn't  
18 understand why they didn't have that and assumed  
19 that we were at fault. What's happened in the  
20 meantime is the Democrat candidate, Hispanic  
21 candidate that barely lost to the Republican, has  
22 now changed parties. He's going to run as a  
23 Republican in 2012 and very well may face this same  
24 Democrat African American candidate. So I may have  
25 the Democrat party in Tom Green County accusing the



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1 Republican party of having a candidate who's using  
2 voter I.D. cards without photo I.D and having voter  
3 impersonation to win the seat as a Republican. I  
4 may be the first County Chairman in Texas to face  
5 Democrats accusing us of using voter impersonation  
6 to win one of our races.

7 So my point is is that among grassroots  
8 rank and file Democrat voters in Tom Green County,  
9 the sentiment for voter photo I.D is very high. The  
10 only person who opposes it is the -- is the  
11 Democratic Chairman. Thank you.

12 CHAIRMAN BONNEN: Thank you.

13 REPRESENTATIVE HARLESS: Thank you.

14 CHAIRMAN BONNEN: Any questions,  
15 Members? Thank you.

16 RUSS DUERSTINE: Thank you very much.

17 CHAIRMAN BONNEN: Yes. (Inaudible).

18 Okay. We're going to see if we can have  
19 the Skype work. Make it ten minutes. Have you made  
20 contact with --

21 Justin Levitt, professor, Loyola Law  
22 School in Los Angeles. Okay. Can he see us?

23 UNIDENTIFIED REPRESENTATIVE: He can.

24 REPRESENTATIVE VEASEY: Can he see  
25 all of us?



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1 CHAIRMAN BONNEN: Can you see  
2 everybody? We see you quite nicely.

3 REPRESENTATIVE VEASEY: Do we need to  
4 turn on our microphones?

5 CHAIRMAN BONNEN: Only if you're  
6 talking. Yeah, if you're talking.

7 UNIDENTIFIED SPEAKER: (Inaudible).

8 CHAIRMAN BONNEN: Can you begin?

9 UNIDENTIFIED SPEAKER: (Inaudible).

10 CHAIRMAN BONNEN: Must be delayed.

11 UNIDENTIFIED SPEAKER: (Inaudible).

12 CHAIRMAN BONNEN: I don't know if  
13 we'll still be there in two hours.

14 UNIDENTIFIED SPEAKER: (Inaudible).

15 CHAIRMAN BONNEN: That would be  
16 wonderful. And if we are here in two hours, we will  
17 try and reach you again.

18 UNIDENTIFIED SPEAKER: Thank you very  
19 much, Mr. Chair. (Inaudible).

20 CHAIRMAN BONNEN: Apologize for the  
21 timing. Thank you.

22 Okay. So let's hold that.

23 UNIDENTIFIED REPRESENTATIVE:  
24 (Inaudible).

25 CHAIRMAN BONNEN: I know.



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1 (Inaudible). Hello? Yes. Toby Moore. How are  
2 you? Are you still available to give your  
3 testimony?

4 TOBY MOORE: At your convenience.

5 CHAIRMAN BONNEN: We appreciate that.  
6 We know we're pushing it on the time limit. We  
7 apologize.

8 This is Toby Moore. He is a private  
9 individual, who is a researcher, who is testifying  
10 neutral on the Committee Substitute Senate Bill 14.

11 Mr. Moore, are you able to see me and the  
12 Committee?

13 TOBY MOORE: Yes, I am.

14 CHAIRMAN BONNEN: Very good. You  
15 have ten minutes. And -- and if you would, please,  
16 state your name and -- for the record and who you're  
17 with and begin your testimony. And we appreciate  
18 your time.

19 TOBY MOORE: Thank you.

20 My name is Toby Moore. I'm a researcher  
21 here in Washington. I work for the Department of  
22 Justice as a senior researcher from 2000 to 2006  
23 where I worked on photo I.D in similar cases. Since  
24 leaving the Department in 2006, I've held a series  
25 of jobs at American University with Carter Baker



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1 (inaudible) and a lot of profit and nonprofit  
2 research organizations.

3 I'm conducting supervising research on  
4 elections and voting. I'm currently advising the  
5 Department of Defense on research on (inaudible)  
6 voting. And as you said, I'm speaking as a private  
7 citizen. I'm neutral on the bill.

8 I think that my most valuable contribution  
9 to make today is to talk a little bit about the  
10 Section 5 process that the bill -- that any voter  
11 I.D. bill from a covered jurisdiction such as Texas  
12 will go through, what parts of the bill I think will  
13 come under special scrutiny. And while I will not  
14 address it in my testimony, I'll be glad to talk  
15 about in (inaudible) Baker proposal from 2005 and  
16 the (inaudible) research into voters I.D. generally.

17 As I said, I'll be brief and -- and leave  
18 time to answer any questions you might have.

19 As you know, any voter I.D. bill passed by  
20 the Texas Legislature will need to pass preclearance  
21 under Section 5 of the Voting Rights Act previous  
22 for that. And so the bill, as you know, will go to  
23 the Department of Justice Civil Rights Division or  
24 the District Court in D.C.

25 Early in (inaudible) anticipate a fair but



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1 very thorough hearing. The DOJ may be a more  
2 predictable avenue. It may be somewhat faster and  
3 less burdensome for the State. But either -- in  
4 either case, you will receive a very thorough  
5 investigation of potential impacts of bill and up  
6 there (inaudible).

7 Remainder of the Section 5 analysis of the  
8 voter I.D. bill would focus on -- in the comparison  
9 of the new law to what's called the benchmark, the  
10 current law. I say this to remind the Committee  
11 that the -- the voter I.D. law as -- if passed would  
12 not be compared to other voter I.D. laws in the  
13 country, not to the Georgia law or Indiana law, but  
14 (inaudible) law, but simply as a before and after  
15 comparison with Texas' own law. Obviously, the  
16 Supreme Court decision upholding the Indiana voter  
17 I.D. law will make it somewhat easier to win  
18 preclearance, but the basic analysis will be before  
19 and after the Texas -- the new Texas voter I.D. law  
20 versus benchmark.

21 And this is another reminder. The burden  
22 will be on the State and not in Washington, whether  
23 you go to District Court or to Department of Justice  
24 to meet the -- to meet the burden. The State will  
25 have to show that the law does not have the intent



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1 nor the effect of abridging minority voters' rights  
2 and equal right to participate in the process and  
3 choose candidates of their own preference.

4 The cost of burden is on the State. The  
5 State will need to be specific in its justification  
6 information that it provides to Washington. In  
7 particular, it would need to be very specific about  
8 what Texas knows or understands or thinks about the  
9 impact of the law, what it knows or thinks about who  
10 does -- who does and does not have the I.D. required  
11 and whether that rate of ownership varies across  
12 racial and ethnic groups.

13 In the absence of any information from  
14 Texas, the Department of Justice, I would expect, or  
15 the District Court would look to other states, other  
16 studies and experience in trying to determine what  
17 this impact would be.

18 The State should be very specific about  
19 remedial measures, remedial measures being efforts  
20 to offset any disparate impact of the law. And  
21 these measures, as I'll talk about in a minute, need  
22 to be in law and in place and -- and (inaudible)  
23 implemented and not promised or planned. And I  
24 think the State is going to have to show,  
25 particularly with the budget crutches across the



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1 country, that it is making the financial commitment  
2 to follow through on any voter education, free I.D.  
3 plans, that sort of thing.

4 So some elements -- particular elements of  
5 the bill I think will receive particular attention,  
6 and I think it's worth reminding. (Inaudible) this  
7 voter I.D. bill over the last five or six years.  
8 These are complicated pieces of legislation, and  
9 it's very difficult to compare voter I.D.s  
10 between -- voter I.D. bills between states. To  
11 make -- we should avoid making blanket statements  
12 about whether voter I.D. is permissible and will be  
13 upheld under Section 5 of the Supreme Court.  
14 Particular pieces of legislation have been  
15 precleared or been upheld by the Supreme Court, but  
16 these are complicated. They have different  
17 (inaudible) Supreme Court of the United States even  
18 if they have the same basic goal of -- of requiring  
19 instead photo I.D.s.

20 Some similarities that I think are going  
21 to receive particular scrutiny from either the  
22 Supreme Court or the Department of Justice under  
23 Section 5 of the bill of voting rights.

24 Act analysis, one of the provisions for  
25 making I.D. free. I think the Court and Department



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1 of Justice have been wary of poll tax implications,  
2 which that is -- even -- an implied burden on the  
3 individual for the right to vote. Are there  
4 guarantees in the bill that would provide -- to --  
5 that make sure that people can get an I.D. for free  
6 for voting without having to declare indigency is --  
7 I think is going to be the first -- is going to be a  
8 hurdle to meet.

9 Second, one of the specific public  
10 outreach and education programs the State is  
11 committing to. And I think you need both and -- you  
12 need both education programs, public awareness  
13 programs that inform voters of these changes, but  
14 you also need outreach programs that target  
15 vulnerable populations. I think we know enough now  
16 that we know that the poor or the elderly, members  
17 of certain racial and ethnic groups, are less likely  
18 to have I.D. than other groups. And I -- I think it  
19 goes a long way toward allaying fears of  
20 retrogression if the State is committing and has  
21 specific outreach programs to try to target those  
22 communities for I.D.

23 Third, what are the fail-safe provisions?  
24 What do you do if you don't have your I.D. on  
25 election day to cast a provisional ballot and come



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1 out and prove it out by providing -- providing photo  
2 I.D? And these can be complicated, you know.  
3 States have traditionally provided for affidavit  
4 fail-safes, which I understand is not part of your  
5 lobbying occurring in Texas. But there are, as you  
6 know, ways for people who don't have their photo  
7 I.D. to cast a ballot and come back and make sure  
8 that their ballot is counted.

9 Fourth, what evidence does the State have  
10 the impact, both total impact and disparate impact,  
11 how many people don't have I.D.? Any information  
12 that the State can provide would go a long way  
13 toward meeting its burden, whether these are  
14 estimates, studies, surveys based on motor vehicle  
15 and voter registration data. You know, I would  
16 encourage the State to provide the Department of  
17 Justice or the District Court with as much  
18 information as you can, because otherwise you're  
19 going to risk being judged on the findings from  
20 other states.

21 Conversely, what evidence of voter  
22 impersonation does this state have? That will be  
23 important in justifying the law.

24 And, finally, particularly in light of the  
25 Supreme Court ruling in Georgia versus Ashcroft



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1 (phonetic), the opinion of minority communities will  
2 take a special -- will add a special voice in  
3 Section 5 analysis so that the Department or the  
4 Courts will pay close attention to what minority  
5 groups or (inaudible) -- voting rights groups think  
6 of the legislation (inaudible) to which they were  
7 consulted in the process.

8 That's what I have for you today. I'll be  
9 glad to answer any questions that the Committee  
10 might have.

11 CHAIRMAN BONNEN: Thank you,  
12 Mr. Moore. We appreciate it. Are there questions,  
13 Members? Mr. Veasey? Vice Chairman Veasey has had  
14 some questions, Mr. Moore.

15 REPRESENTATIVE VEASEY: Mr. Moore, I  
16 wanted you to talk a little bit more about the  
17 difference between Indiana and Texas being a  
18 Section 5 state and how that may play into the  
19 decision. I know that you said that the Texas law  
20 is more likely to be upheld. But since the -- I  
21 mean, since, the Supreme Court has already ruled  
22 that the Indiana law is okay. And so what I was  
23 wondering -- I don't believe that Indiana is a  
24 Section 5 state. It may be, but I don't believe it  
25 is. And so how will that play into what the DOJ's



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1 office looks into and how they reach a final  
2 determination?

3 TOBY MOORE: Thank you for the  
4 question.

5 You're absolutely right. On a technical  
6 level, Indiana -- the Supreme Court ruling on the  
7 Indiana law will not impact the analysis of the  
8 Texas bill, which will be compared to the current  
9 Texas law. So that -- that analysis is very  
10 different.

11 But the reality is that the Department of  
12 Justice is going to be less likely to object to an  
13 I.D. law after the Supreme Court has upheld its  
14 constitutionality as it did in the Indiana case.  
15 But the -- the root analysis, the basic analysis and  
16 the fundamental one is going to be the impact within  
17 Texas. And so it would not be unprecedented or  
18 difficult at all for the Department of Justice to  
19 object to a Texas law despite it passing  
20 constitutional muster or being similar to a law that  
21 is passed -- been upheld by the Supreme Court. The  
22 analysis is totally different.

23 CHAIRMAN BONNEN: Thank you.  
24 Anything?

25 REPRESENTATIVE VEASEY: No.



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1 CHAIRMAN BONNEN: Mr. Moore,  
2 Representative Aliseda has a question.

3 REPRESENTATIVE ALISEDA: Can Texas  
4 avoid a DOJ review by going directly to a Court, to  
5 have that determined by a Court?

6 TOBY MOORE: Well, Texas certainly  
7 has that statutory avenue available to it. It's  
8 going to be much less -- yes, it does. I'm sorry.

9 REPRESENTATIVE ALISEDA: That's fine.  
10 Okay.

11 CHAIRMAN BONNEN: Now, Mr. Veasey --  
12 let me inter -- follow up on that.

13 You said it certainly does. But I guess  
14 the question is would it be wise?

15 TOBY MOORE: I think that my advice  
16 would be go through the Department of Justice. It's  
17 going to be quicker, it's going to be less  
18 expensive, and you're going to get a fair hearing  
19 from the Department of Justice.

20 If you go to the District Court, you open  
21 yourself up to a court hearing. You don't know what  
22 the three judge panel will look like. You may get  
23 judges who are very skeptical of voter I.D. It's  
24 going to take longer, and you don't know what the  
25 process is going -- how the process is going to run.



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1 Texas has routinely sent changes in its  
2 election and voting laws to the Department of  
3 Justice. There's a relationship between those  
4 avenues of communication. You know what the end  
5 analysis looks like. The information can flow much  
6 faster.

7 So, I mean, my -- obviously, this is  
8 something that Texas will have to consider carefully  
9 to make its own decision, but I don't think that you  
10 would lose anything by going to the Department of  
11 Justice, and I think it would be faster and less  
12 expensive.

13 CHAIRMAN BONNEN: Thank you very  
14 much. Representative Veasey now has a question.

15 REPRESENTATIVE VEASEY: Following up  
16 on that real quickly, if the State decided to go to  
17 court -- you talked about the process being quicker.  
18 How long would it take, though? I mean, if they  
19 went to court would they possibly not have it in  
20 place in time for the next election? Like how --  
21 how long does the process take, the legal process?

22 TOBY MOORE: It can really be drawn  
23 out. The Court process now -- many times  
24 redistricting processes are taken to the District  
25 Court and put on what they call the Rocket Docket



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1 and go through fast. But I can't imagine the  
2 District Court would see any need to hurry in its  
3 analysis of this voter I.D. law. It's not like a  
4 district is redistricting where you have  
5 malapportionment that needs to be remedied. I would  
6 think it would take much longer than the analysis  
7 going through the DOJ, many months more.

8 REPRESENTATIVE VEASEY: Especially  
9 with all the --

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 REPRESENTATIVE VEASEY: -- yeah,  
12 especially with the reapportionment plans. That's a  
13 good point with this being a redistricting year.

14 I wanted to ask you about the likelihood  
15 of the bill being passed with certain element added  
16 to it or -- or -- or -- or to enhance it and make it  
17 more fair.

18 Like, for instance, we talked a little bit  
19 earlier before you were on about same day voter  
20 registration or about, you know, fail-safe  
21 affidavits to where, you know, people's vote would  
22 count and then there would be some burden upon the  
23 county registrar to show that there was voter  
24 impersonation that was taking place. Can you give  
25 me your opinion on that?



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1 TOBY MOORE: Well, I think as I've  
2 testified in Texas before, my own personal  
3 preference would be to implement fail-safe  
4 affidavits at least for an election cycle or two and  
5 then investigate what those affidavits look like and  
6 see if -- and see who doesn't -- who's signing them.  
7 I think that would be a good halfway measure before  
8 a really hard and fast I.D. law, because if you --  
9 if you ask for an I.D. and you implement the law as  
10 you've written it, but then you have the affidavit  
11 fail-safe, after the election you could go back and  
12 look at who signed the affidavit and get a sense of  
13 how many people don't have I.D., what their race and  
14 ethnicity is. And it would -- it would give you a  
15 stronger footing and better understanding of the  
16 impact of the bill. I understand that that is  
17 not -- is often seen as too much of a concession and  
18 weakens the bill too much.

19 Same day election day voter registration,  
20 I think, can offset some of the fears that voter  
21 I.D. would suppress turnout, would give people  
22 another avenue. If you go back to the Georgia --  
23 2005 Georgia bill, it -- in -- the State of Georgia  
24 made a rather big deal about this in 2005. That  
25 bill loosens restrictions on absentee voting as a



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1 means of trying to -- to promote turnout or previous  
2 avenues of turnout to offset any impact of voter  
3 I.D. So I think all those things that -- should be  
4 considered, although obviously voter I.D. or same  
5 day or -- registration would be a -- it's a big  
6 change.

7 CHAIRMAN BONNEN: Members, any other  
8 questions of Mr. Moore?

9 Mr. Moore, we really appreciate your  
10 working with us and doing this through this new  
11 technology of Skype, and we appreciate your time and  
12 thank you very much on behalf of the Committee.

13 TOBY MOORE: Thank you very much and  
14 good luck.

15 CHAIRMAN BONNEN: Thank you, sir.

16 Now, obviously, it takes a moment to  
17 transition from one Skype to another, but Tova Wang,  
18 a senior fellow, will be testifying against. She's  
19 our ex -- one of our experts. She will be provided  
20 ten minutes when we get her online. Is that DEMOS,  
21 D-E-M-O-S? Is that the group she's speaking on  
22 behalf of? Should it be Ns? I'll ask her.

23 Mrs. Wang?

24 TOVA WANG: Yes, I'm here. How are  
25 you?



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1 CHAIRMAN BONNEN: Oh, outstanding.  
2 Thank you very much, Mrs. Wang. We appreciate your  
3 taking the time to join us today.

4 Just for the record, you are - and I need  
5 you to state it again - but Tova Wang, testifying  
6 against the Committee Substitute to Senate Bill 14.  
7 And you're representing D-E-M-S-S [sic], is that --  
8 what is that?

9 TOVA WANG: That's DEMOS.

10 CHAIRMAN BONNEN: DEMOS. That's  
11 Greek?

12 TOVA WANG: That's correct. Most  
13 people don't get that.

14 CHAIRMAN BONNEN: Well --

15 TOVA WANG: Yes, for the people,  
16 democracy.

17 CHAIRMAN BONNEN: Yes. If you could,  
18 please, you have ten minutes. And then after your  
19 ten minutes, which we will not interrupt you, you'll  
20 have ten minutes uninterrupted to give your  
21 testimony, and then the Committee Members may ask  
22 you questions. And so -- can you see us? Uh-oh.  
23 She seems to have frozen, maybe not herself  
24 literally, but...

25 Yes.



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1 UNIDENTIFIED SPEAKER: She just went  
2 completely off.

3 CHAIRMAN BONNEN: She needs to go get  
4 with Mr. Moore. They're not far from each other.  
5 That's -- the Skype went out. (Inaudible) do  
6 anything special. Where's Hawk Burg (phonetic)?

7 UNIDENTIFIED SPEAKER: (Inaudible).

8 CHAIRMAN BONNEN: Well, so the --  
9 Hawk Burg is out there. Let him know we're doing  
10 Skype testimony. No.

11 TOVA WANG: Hello?

12 CHAIRMAN BONNEN: Yes. Can you hear  
13 us? We can't see you, unfortunately, and if --

14 TOVA WANG: Yeah, I can hear you. I  
15 can see you. But it looks like it's working. Now I  
16 can see you.

17 UNIDENTIFIED SPEAKER: We can't see  
18 you.

19 CHAIRMAN BONNEN: But we cannot see  
20 you, which is a problem. But give us one moment and  
21 see if we can fix that.

22 TOVA WANG: Sure.

23 CHAIRMAN BONNEN: (Inaudible). Here  
24 in an hour and a half. Are you back?

25 UNIDENTIFIED REPRESENTATIVE: Yeah.



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1 CHAIRMAN BONNEN: There's  
2 (inaudible). I'm sorry.

3 UNIDENTIFIED SPEAKER: Can you turn  
4 your camera off and then on?

5 TOVA WANG: I'm not sure I know how  
6 to. This is my first time doing this. Where would  
7 the button be?

8 UNIDENTIFIED SPEAKER: On the bottom  
9 of the screen there's a ribbon and there's "My  
10 Video." Do you see that?

11 TOVA WANG: Yes.

12 UNIDENTIFIED SPEAKER: Okay. If you  
13 would click that.

14 TOVA WANG: I'm clicking now. Okay.

15 CHAIRMAN BONNEN: Oh, very good.

16 TOVA WANG: Hello.

17 CHAIRMAN BONNEN: See, you do know  
18 what you're doing, because believe me, I don't know.  
19 We have the luxury of having some audio visual -- I  
20 guess that isn't even the right word anymore.

21 But anyhow -- I don't know. Where did  
22 Mr. Veasey disappear to? Okay.

23 But Mrs. Wang, as I was saying, if you  
24 would state your name and who you're with for the  
25 record, and then we'll give you ten minutes



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1           uninterrupted. And then the Committee Members will  
2           ask you questions. We appreciate your time.

3                       TOVA WANG: Thank you so much.  
4           Thanks for allowing me to testify today. My name is  
5           Tova Wang, and I'm a Senior Democracy Fellow at  
6           DEMOS, a nonpartisan advocacy project and  
7           organization.

8                       I have been working on issues related to  
9           voting rights and actually voter I.D. in particular  
10          for a decade now.

11                      My comments will focus on the physical  
12          costs of implementing voter I.D. voting. These are  
13          important situations in Texas.

14                      My understanding is that the State has a  
15          25 billion-dollar budget gap. Many of you serve  
16          their constituents.

17                      CHAIRMAN BONNEN: No problem.

18                      TOVA WANG: And honestly, with this  
19          voter I.D. bill, the message to the citizens of the  
20          Texas is while the State does not have money to  
21          fully fund programs they will rely on, it does have  
22          money to implement a program that will cost millions  
23          of dollars to implement and addresses a problem that  
24          essentially does not exist, impersonation of another  
25          voter at the polls on election day. And it



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1 threatens to disenfranchise legitimate Texan voters.

2 The fiscal note that has been produced  
3 with this bill is extraordinarily flawed. It  
4 measures one aspect of the cost of the  
5 constitutional voter identification law, that  
6 measure far off the mark. The cost to Texas to  
7 implement this measure will be far higher than the  
8 estimate in that document as is demonstrated in  
9 other states that have implemented these laws like  
10 Indiana and states that have (inaudible) pass these  
11 laws determine the probable cost.

12 Let's look at providing identification for  
13 people in Texas that don't have it as is required to  
14 make the law pass constitutional scrutiny. That is  
15 not even including the fiscal (inaudible) of Texas.  
16 The note simply says the cost is unknown.

17 While you may see (inaudible) Indiana has  
18 cost last year -- and mind you, that was an off year  
19 election and not a Presidential year. Indiana said  
20 it cost last year about \$3.5 million. Indiana has a  
21 population of about 6 million citizens. It has  
22 approximately 4.5 million registered voters. Texas  
23 has a population of about 22 million citizens and  
24 13 million registered voters. If Texas' cost per  
25 person are similar to that of Indiana, Texas -- it



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1 would cost Texas between ten and \$13 million to  
2 provide free I.D. in a mid-term election year, and  
3 this is at a minimum. The Texan citizenry is part  
4 of a more diverse -- ethnically and racially, and  
5 has a substantially higher poverty rate than  
6 Indiana, indicating that many more people  
7 (inaudible) photo (inaudible) in Texas versus  
8 Indiana. However, that figure does not even include  
9 (inaudible) a huge list of other major expenses the  
10 State will incur.

11 Let's talk first about voter education.  
12 This is basically the only thing that's in the  
13 fiscal note that's out there now. And this is a  
14 serious underestimation given what we -- what will  
15 be required in order for this bill to be upheld in a  
16 court of law. Let me talk about Georgia for a  
17 second. Georgia passed this law in 2006. Passed a  
18 new law to (inaudible) flawed version of it. Among  
19 other things (inaudible) education and publicity  
20 campaign regarding the new requirement. Yet the  
21 Court, once again, blocked the law, emphasized  
22 inadequacy of (inaudible). The Court stated that if  
23 the State undertakes sufficient steps to inform  
24 voters of law's requirements the statute may go  
25 unchallenged.



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1 Well, the Secretary of State has gone to  
2 great lengths. It did several mailings and multiple  
3 brochures over election sites lacking a driver's  
4 license. They did PSAs on the radio, public service  
5 announcements, cable television advertising and so  
6 on. And then the Court later upheld the law noting  
7 the significance of the State voter education  
8 effort. So states agree that it's going to cost a  
9 significant amount of money to view education  
10 necessary for this to be basically legal.

11 In 2010, Missouri estimated that in order  
12 to affect outreach before election that is  
13 (inaudible) to draw new voters, it would cost 6.9  
14 million dollars over three years for T.V.  
15 announcements and other outreach to the State's  
16 4 million registered voters. This says to me that  
17 in Texas voter population and outreach for  
18 (inaudible) 13 million registered voters might cost  
19 \$55 million over the next three years given Texas'  
20 much larger population. Given (inaudible) that  
21 these numbers seem like, let's say it's half that  
22 amount. Can the \$2 million estimated for voter  
23 education in the Texas bill be deemed credible? I  
24 think we agree it will be more than that. There are  
25 also implementation costs, most of which are not



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1 addressed in the fiscal notes. Again, what I'm  
2 talking about is based on my study of the range of  
3 fiscal notes in other states for training. This is  
4 a new -- new world that will have to be implemented  
5 and implemented fairly without determination.  
6 Fairly complex thing to implement. Missouri  
7 estimated this would cost over \$700,000. Need to  
8 hire more poll staff. In 2009, Maryland estimated  
9 that just in Montgomery County additional election  
10 judges would cost about \$110,000 for a primary and  
11 general election. The fiscal note puts additional  
12 judges at \$576,800 per precinct. So you can imagine  
13 what that would be in Texas, given the number of  
14 precincts.

15 You also need to create new and  
16 supplemental -- supplement existing training  
17 material printing additional (inaudible) setting.  
18 You have staffing a help line, adding and training  
19 state and local election staff. The Wisconsin  
20 fiscal note approximates that full -- new full-time  
21 hires will be needed to assist localities in  
22 implementing the new law. (Inaudible) Registration  
23 database providing training on the changes. Again,  
24 Wisconsin, they estimate this will cost \$138,000.  
25 Updating the website.



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1 And last but not least, the DMV is  
2 currently run on reduced hours at locations.  
3 Substantial State funding will be necessary to add  
4 additional staff and resources to Department of  
5 Motor Vehicles and Transportation. I have seen in  
6 news reports that there are some places in Texas  
7 where it takes more than two hours to get to a DMV.  
8 This is a major issue that arose in the Supreme  
9 Court opinions regarding the constitutionality of  
10 the Indiana voter I.D. law.

11 The bill would also add substantially  
12 (inaudible) hard-working election officials already  
13 (inaudible) who are already stretched thin and by  
14 an -- a variety of continuing and complicated rules.  
15 One example is -- as I alluded to earlier, was  
16 additional poll worker training will be required if  
17 you want to make sure it's implemented in a  
18 non-discriminatory action and in accordance with the  
19 Voting Rights Act. We have seen that discriminatory  
20 implementation of voter I.D. laws is a major  
21 problem, especially with respect to Latino voters.  
22 And -- and, moreover, you're really basically having  
23 to train poll workers to perform a law enforcement  
24 function by checking the validity of people, like  
25 identifying documents. And you'll also have the



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1 additional cost of printing additional ballots.

2 So I feel that -- and yet, I have to also  
3 point out just for a minute - and I know you've  
4 heard this - but even if a voter I.D. will cost the  
5 State nothing and require nothing of State elections  
6 officials or local election officials to implement  
7 and be a wrong policy -- I know that you're familiar  
8 with some of these numbers, so I won't go through  
9 them in detail. But we know that a large number of  
10 people don't have the identification that you would  
11 require in this bill, maybe as many or more as a  
12 million people in Texas. And this -- this  
13 proportionately affects young people, African  
14 Americans, Latinos, new American citizens and low  
15 income Americans. And I can provide you details on  
16 that.

17 And, moreover, numerous studies, national  
18 and state-specific, have found that the rare  
19 examples of some voter fraud are almost never the  
20 kind that could be prevented by a voter  
21 identification law.

22 Voter I.D. law is (inaudible). Just one  
23 exceedingly rare form of voter fraud, impersonation  
24 of another registered voter at the polls. Many  
25 state legislators and elections officials are



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1 promoting I.D. bills, but they admit that there has  
2 never been a case in some states of -- in most  
3 states of voter impersonation at the polls, yet they  
4 continue to pursue this policy.

5 For example, the very small number of  
6 irregularities that do occur at the polls, it seems  
7 a lot of them involve people with felony convictions  
8 who vote, not realizing that they are ineligible to  
9 do so. Obviously, this would not be addressed by an  
10 I.D. requirement, because your driver's license  
11 doesn't indicate if you committed a felony in the  
12 past.

13 Voter I.D. would also do nothing to do --  
14 have -- do nothing to address problems with voter  
15 registration fraud or (inaudible) ballot fraud. So  
16 it's very important not (inaudible) complete  
17 different types of fraud that we may or may not have  
18 problems with in the system and automatically jump  
19 to the conclusion that voter I.D. is our best  
20 answer.

21 And I would conclude by saying, you know,  
22 here's the bottom line: In this economy, does the  
23 Texas State Legislature really want to pass a bill  
24 that will mean spending millions of dollars chasing  
25 a phantom problem and that might be



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1 unconstitutional?

2 Thank you very much. And I would be happy  
3 to take any questions.

4 CHAIRMAN BONNEN: Thank you,  
5 Mrs. Wang. I'm sorry. Thank you, Mrs. Wang. Can  
6 you still see us?

7 TOVA WANG: I can.

8 CHAIRMAN BONNEN: Very good. And we  
9 can still see you. Members, are there questions?  
10 Yeah, Representative -- Representative Aliseda will  
11 begin with questions and then Representative Veasey.

12 REPRESENTATIVE ALISEDA: What state  
13 do you live in?

14 CHAIRMAN BONNEN: (Inaudible).

15 REPRESENTATIVE ALISEDA: What state  
16 do you live in, ma'am?

17 TOVA WANG: Oh, I'm sorry. I live in  
18 Washington, D.C., which is not a state.

19 REPRESENTATIVE ALISEDA: All right.  
20 Okay. Well, you did not have the benefit of some of  
21 the testimony we've had earlier, but we had  
22 testimony from citizens saying that they believe the  
23 electoral system in Texas is broken, and that they  
24 think that this particular provision will help them  
25 put more faith in the system.



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1                   Your testimony has been about the cost in  
2                   monetary figures. But can you really put a price in  
3                   what it's going to take the citizens of our state to  
4                   accept that we are doing the best we can to try to  
5                   preserve the integrity -- integrity of the ballot?

6                   TOVA WANG: I think it's so important  
7                   that voters have confidence in the election system,  
8                   obviously. I mean, the main goal I think for all of  
9                   us is that the maximum number of people participate  
10                  in our elections. I think what we really need to do  
11                  is educate people very, very honestly about what the  
12                  problems are in the system and what they are not.  
13                  And I don't think that we can generally pursue  
14                  public policy based on people's feelings about  
15                  things that aren't rooted in factual basis. I think  
16                  we need to deal with the real problems in our  
17                  election system. And I think that's the root to  
18                  greater voter confidence in the system, not sort of  
19                  creating different kind of so-called solutions that  
20                  don't really solve anything.

21                  REPRESENTATIVE ALISEDA: Well, we've  
22                  had testimony from individuals saying that they  
23                  believe illegal aliens are voting in our elections.  
24                  And Texas does have -- does have an illegal alien  
25                  population. This might be a solution to that



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1 problem if that is the case.

2 TOVA WANG: Well, again, I'd like to  
3 see the evidence for that. I mean, the research  
4 that I have seen has demonstrated and -- and if you  
5 look at prosecutions and activities by the  
6 Department of Justice and by local prosecutors, that  
7 is an extremely limited problem. There are -- and,  
8 again, it's important to distinguish what the issues  
9 are.

10 I understand that there have been  
11 occasional times when undocumented persons have been  
12 on the voter registration list. Let's keep that  
13 separate from somebody who's not a documented voter,  
14 which is extremely rare. I mean, let's -- let's  
15 think about this very logically. I think that it's  
16 been made abundantly clear to people who are in this  
17 country without papers that they need to be  
18 extremely careful or they're going to be deported --  
19 thrown in jail and deported. And you have a  
20 situation where undocumented are afraid to report  
21 crimes that are committed against them, you  
22 know, acts of violence, I think it sort of stretches  
23 credulity that -- to think they're going to go to a  
24 polling place and commit a felony that will get them  
25 thrown in jail and deported. So I would want to see



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1 the evidence for people's beliefs that that is a  
2 major problem.

3 REPRESENTATIVE ALISEDA: I don't know  
4 how people got that belief, but it's out there. And  
5 I think --

6 TOVA WANG: Well, I think, then, the  
7 answer is we need more education of the voters as to  
8 what is really going on in the election system and  
9 do something that will actually sort of backfire and  
10 end up leaving people out of the process and  
11 excluding people from the process, which may only  
12 weaken voter confidence in the end.

13 CHAIRMAN BONNEN: Any questions?  
14 Vice Chairman Veasey has some questions.

15 REPRESENTATIVE VEASEY: Yeah. And on  
16 what Representative Aliseda was saying, I'm not --  
17 it -- it -- it really is interesting that people  
18 sort of have these beliefs that have been around for  
19 a long time about people casting fraudulent and  
20 illegal votes. It's not a new phenomenon in the  
21 south or in this state or in other parts of the  
22 country. It just seems to have persisted long in  
23 Texas and in parts of the deep south. And I think  
24 that we probably do need to look at that further,  
25 because, you know I thought that was interesting



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1 what you said, a lot of the things that are being  
2 discussed here today just simply are not rooted in  
3 the truth. They are things that people have heard.  
4 They are -- they are rumors. They are things that  
5 people have heard on the Internet. And I just  
6 don't -- you know -- you know, just like the  
7 President's birthplace, I don't know where these  
8 sort of things start or where they begin and -- and  
9 what gets them going, but they seem to catch on.  
10 And -- and people want to change laws based on them.  
11 And I just think that that is -- is very dangerous.  
12 And I wanted to ask you just about the legal costs  
13 for the bill.

14 I don't know if you're aware, but we have  
15 a huge deficit in this state, and so we're being  
16 very cautious about every dime, every penny that we  
17 spend, because we're talking about actually having  
18 to make kindergarten classes larger, consolidate  
19 classrooms, cut teachers' salaries. Med -- nursing  
20 home providers are saying they're going to have to  
21 shut down some of their facilities if the budget  
22 stands the way it is. We have some of our community  
23 colleges, which -- which consider -- I think do a  
24 great job. And I take a lot of classes at community  
25 colleges. We're talking about closing down some of



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1       them.

2                   What -- what sort of unexpected legal  
3 costs in a large state like ours could -- could we  
4 expect? Obviously, there's going to be a lot that  
5 goes into investigating and -- and talking with  
6 people around the State, witnesses and what have  
7 you. What can we expect as far as legal costs are  
8 concerned?

9                   TOVA WANG: Well, first of all,  
10 expect (inaudible) Voting Rights Act really  
11 (inaudible). Imagine -- so that would be the first  
12 step. And I'm not too sure that it will get  
13 (inaudible) clearance. So there's that process  
14 for -- at the outset.

15                  I -- I am also willing to bet -- bet that  
16 the State will be sued by any number of groups and  
17 individuals -- individuals, challenging this bill  
18 should it be passed. And the cost of defending the  
19 bill in a track of litigation process will also be  
20 substantial. And let -- let me just take the  
21 opportunity to mention that I think there's a real  
22 possibility that the Texas law could be struck down.  
23 It's actually more restrictive than the Indiana bill  
24 that was upheld by the Supreme Court temporarily, at  
25 least. Indiana allows voters to present any kind of



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1 government-issued photo I.D. including from a public  
2 university or employee card with the photograph.  
3 The Texas laws is (inaudible), if I understand it -  
4 and correct me if I'm wrong - an I.D. from the  
5 Department of Public Safety, a military I.D.,  
6 citizenship documents, (inaudible), gun license or  
7 passport.

8 This is a much narrower set of documents,  
9 which means more people are excluded from this bill.  
10 For example, only 30 percent of Americans have  
11 passports, so that's not currently helpful. It  
12 doesn't even include tribal identification, which I  
13 think clearly is a flaw that would be of interest to  
14 a Court. John Tanner, the former Chief of the  
15 voting section in Department of Justice under  
16 President Bush, even recently noted in an article I  
17 saw that distances to DMVs in Texas make the Texas  
18 law more vulnerable to constitutional attack,  
19 because there is such a scarcity of them and there  
20 are such limited hours.

21 So I think there are a lot of things that  
22 distinguish this bill from Indiana that make it very  
23 vulnerable to a challenge that will then cost the  
24 State money to defend.

25 REPRESENTATIVE VEASEY: And -- and



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1 one -- I know one of the things that I'm concerned  
2 about is that the closest DMV to my house or in my  
3 district anyway -- and my district is largely  
4 African American or Hispanic, at least 70 percent  
5 so, and there's no bus to the nearest one. My  
6 district is in Fort Worth, Texas, and North Richland  
7 Hills would be the closest voters -- or driver's  
8 license place. And there's no, you know, bus or any  
9 way for some folks to get out there. Now, they  
10 could go across town in Fort Worth and over in  
11 Wedgewood to go and get one. But the one closest to  
12 my district -- and I know it's the same thing in  
13 south of Dallas, too, which is a largely African  
14 American and Hispanic part of Dallas. I don't know  
15 that any of the places where you go to renew your  
16 driver's license or get these cards are actually in  
17 the community, that people have to go to north  
18 Dallas, which is the more affluent section of Dallas  
19 where -- where -- where most people have cars,  
20 dependable transportation.

21 I wanted to ask you, also, and just in  
22 your research in some of this, why would you  
23 think -- why wouldn't Texas -- or -- or why wouldn't  
24 other states -- I don't want to just say our state,  
25 because I'm sure there are other states that are



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1 studying this, as well. But why would certain  
2 states in our union want to -- why wouldn't they  
3 just pass the Indiana law or the Georgia law when  
4 they know those have been upheld? Do you have any  
5 opinions on that? Because I was kind of concerned  
6 about the fact that -- you know, that, I guess, the  
7 Supreme Court and the Justice Department has already  
8 cleared the ones that are on the books right now,  
9 but we seem to be sort of moving in another  
10 direction.

11 TOVA WANG: Yeah. I mean, as I said,  
12 what you've got in the bill, as I understand, is  
13 more restrictive than Indiana and certainly more  
14 restrictive than Georgia, which was -- I don't  
15 believe Indiana needed clearance, but Georgia's did.  
16 And that was extremely controversial, as you know.  
17 And perhaps Toby Moore talked about this. I'm not  
18 sure the staff at the Department of Justice argued  
19 for not preclearing the Georgia bill. They ended up  
20 doing so, but it's far more restrictive than  
21 Georgia's bill. So I don't know what's going on.

22 And, actually, Texas is not the only state  
23 where the legislators are considering bills that are  
24 more restrictive than those two states. Those  
25 population of these states are being targeted to



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1 have -- you know, one of the things that's been  
2 really striking to me is that, you know, in 2008 we  
3 had this voter experience. And no matter what your  
4 partisanship is, I think everyone was heartened by  
5 the turnout among students, African Americans and  
6 Latinos in scores and, overall, the enthusiasm. And  
7 it seems like just in the moment those people are  
8 coming out those voices are being silenced by laws  
9 like these, and I think that's really troubling.

10 REPRESENTATIVE VEASEY: Would you be  
11 able to comment on what sort of unfunded -- unfunded  
12 mandate that local municipalities and counties may  
13 encounter in trying to implement this law, which is  
14 also another concern?

15 I know that a lot of the counties in the  
16 State of Texas and lot of local governments have  
17 asked that we not -- and I believe there's a bill  
18 that one of the Chairmen here in the House has that  
19 have -- and some people have signed onto saying no  
20 unfunded mandates. Can you talk about some of  
21 the -- the burdens of cost that we placed on local  
22 governments?

23 TOVA WANG: Yeah. Well, I mean,  
24 every state's different on how they share the cost  
25 of elections. But -- so I'm not sure I can



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1 specifically talk about Texas. But I would really  
2 recommend, and I can send to the Committee,  
3 testimony that was submitted by the county clerks in  
4 Wisconsin as a group, talking about the hardship  
5 that this would put on county clerks all over the  
6 State and how they would have to end up choosing  
7 between providing emergency service and implementing  
8 this law. So clearly the people at the local level  
9 are extremely concerned about this. And I think  
10 that this is at a time when elections officials,  
11 especially over the last ten years when we have been  
12 changing the rules on these people left and right,  
13 are already pretty -- pretty overworked and pretty  
14 stretched thin. And so I -- I would definitely  
15 recommend looking at that testimony from Wisconsin  
16 to get a sense of type of burden that would be  
17 expected and also talking to local people and -- and  
18 seeing how they feel about it.

19 REPRESENTATIVE VEASEY: Okay. Thank  
20 you.

21 CHAIRMAN BONNEN: Any other  
22 questions, Members? Mrs. Wang, thank you very much  
23 for your working with us --

24 TOVA WANG: Thank you.

25 CHAIRMAN BONNEN: -- today, and have



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